

Analysis of Criminal Courts Administration Processes related to Indigent Appointment

For Criminal Courts Administration (CCA), the indigent appointment process begins with the receipt of the indigence assessment forms. Currently, CCA will pick up the completed assessment forms from Pre-Trial Services twice a day – in the morning around 8:30 AM and again in the afternoon at around 1:30 PM – Monday through Friday.

Typically, the Pre-Trial Services legal secretary (Vickie Acevedo) will contact one of the CCA judicial aides (Cecilia Lopez or Jeanette Deleon) each morning, when the forms are ready for pick-up. As a procedure, Pre-Trial Services collects and sorts the forms by felony and misdemeanor. As a courtesy, Vickie Acevedo further sorts the forms (within felony and misdemeanor) by attorney recommendation status: “retain own attorney” (ROA), “yes”, “no” and “undetermined.”

Once the forms are brought to the CCA office, they are stamped with the date and time. This stamp serves as the official reference point for when a form was received by CCA, in terms of compliance with the Texas Fair Defense Act. After the forms have been stamped, Cecilia Lopez processes the misdemeanor forms while Jeanette Deleon processes the felony forms.

Misdemeanor Cases

Cecilia Lopez is the Criminal Courts Administration judicial aide responsible for processing attorney appointments for defendants with misdemeanor charges. For defendants with a combination of felony and misdemeanor charges, judicial aide Jeanette Deleon will process the attorney appointments. However, Cecilia is still responsible for the case management court settings for all misdemeanor charges.

Each morning, Margaret Seville with the Sheriff’s Office e-mails Cecilia and Jeanette with misdemeanor and felony jail reports in Excel 97 format. These reports list all defendants arrested within a 24-hour timeframe. Generally, Cecilia opens each spreadsheet and prints out copies for her and for Jeanette. The Misdemeanor Court Report contains the following defendant information: booking number, first and last name, date of birth (DOB), race, sex, charges and cause number(s). This report is used as worksheet to verify that necessary case settings and appointments have been made for all defendants. As each form is processed, Cecilia will mark on the report whether a defendant was released; whether a defendant was not qualified for an attorney appointment; whether a defendant retained his or her own attorney; or the name of the appointed attorney, as appropriate.

Cecilia begins by reviewing the indigence forms that were picked up that morning. Based on each form, she confirms that the defendant is still in jail custody by using the booking number to query the Tiburon CMS application. If a defendant is out of jail custody, Cecilia will verify that all cause numbers are accurately listed on the indigence form, adding or correcting any cause numbers that are missing or incorrect, and will write down the date released and reason for release. The indigence form is then placed in a

stack to be delivered to the County Clerk's office. As necessary, Order Appointing Attorney forms with multiple cause numbers are photocopied, and each unique cause number is highlighted, prior to delivery to the clerk. Once a week the forms and the corresponding copies are delivered to the County Clerk.

If a defendant is still in jail, Cecilia will write down the arrest date on the indigence form and will place the form in one of two stacks – one stack for those involving newly initiated cases and another stack for those involving existing or re-opened cases. These forms are then processed the next morning for case setting and attorney appointment.

While checking the jail custody status, Cecilia will also note whether or not an attorney has already been appointed, based on a listing within the Tiburon CMS system. If an attorney has already been appointed, this generally indicates that the defendant is also being charged with a felony, and has already been processed by Jeanette, or that he has been in custody for a period of time long enough for an attorney to be appointed. Cecilia will note the attorney's name and appoint the same attorney, as appropriate.

Once all the forms picked up during the morning have been reviewed and sorted, Cecilia begins processing the forms received the previous day. Starting with the indigent forms designated with an attorney appointment recommendation of "yes," Cecilia verifies that each defendant is still in jail custody by querying the Tiburon CMS system. Forms for defendants that have been released from jail are handled exactly as described earlier for the previous day's review. For defendants that are still in jail, Cecilia will confirm that each of the cause numbers and charges listed on the form are still accurate and complete. Additionally, she will check the biographical section within CMS to see if the defendant requires a Spanish-speaking attorney.

Within the CJS case management system, Cecilia then accesses the 270 screen and enters the cause number to verify that the case has been initiated and to determine if the defendant has a current court setting and assignment. Additionally, Cecilia will use this opportunity to verify and correct the spelling of the defendant's name.

If the defendant is being held for MTRP charges, and the last court date has been less than one year, then Cecilia will appoint the same attorney.

Cecilia then accesses the 120 screen in CJS to retrieve the defendant's criminal history. Utilizing pre-printed appointment form paper, Cecilia will then print out the criminal history information. Since the printer only has a single paper tray, as necessary, Cecilia will swap out and place the appropriate paper in for printing.

On the printed appointment form, Cecilia will write in the booking number, place a check on the misdemeanor line and write in the court assignment and court setting date. The court setting date is determined by a list of dates for each court that is stored in a paper calendar book. During the third week of each month, Cecilia e-mails each court coordinator requesting jail call court setting dates for the next month in advance.

Within the Microsoft Access 2000 Attorney Appointment and Invoicing Database, developed and provided by the County Auditor's office, Cecilia inputs the cause number, selects the misdemeanor check box, selects the appropriate misdemeanor offense and clicks on the "Eligible Attorneys" button. This then brings up the attorney selection window, where Cecilia selects the next available attorney at the top of the list. As necessary, within the attorney selection window, Cecilia can further filter the list of eligible attorneys by selecting special needs. If multiple charges exist for the defendant, Cecilia must repeat the appointment process for each charge.

After selecting the attorney to be appointed, the application returns to the previous menu form, where Cecilia inputs the date on which the defendant requested an attorney (based on the date provided on the indigence form), the appointment date (based on the date of this data entry) and the court number. She then inputs the first and last name of the defendant, the booking number and the arrest date and then selects the box that states the defendant is still in jail.

Unlike District Clerk cases, which are already set up in CJS through direct filing, the County Attorney's office performs the case initiation, based on information e-mailed to them from Criminal Courts Administration. Around 9:30 AM, Cecilia e-mails Brenda Rios and Sheila Moss, County Attorney legal secretaries - with a carbon copy to Tonya Arnecke and Debra Hale of Criminal Courts Administration - a list with cause number and defendant name. If multiple cause numbers are listed for a defendant, Cecilia will bold the numbers to draw attention to the fact that multiple cause numbers exist. Additionally, Cecilia prints out the e-mail to include it as part of the work record for the day.

The County Attorney processes the case, inputs the case information into CJS and files the case with the County Clerk. In turn, the County Clerk processes the case and makes a court assignment. On Mondays, this process is generally completed by 3:00 PM, due to case volume. Tuesday through Friday, the process is generally completed by 1:00 PM.

Next, Cecilia will complete the Order Appointing Attorney form, on the back of the indigence form. She writes in the court number, the name of the appointed attorney and the date of the appointment. She then stamps the form with the appropriate judge's stamp, based on the court assignment. The form is then placed in a stack to be faxed later in the day.

If a case has not already been initiated in CJS, and no court assignment is available, Cecilia uses a separate Misdemeanor Appointment form to notify the attorney. On this form she handwrites the date of appointment, the attorney information, the cause number(s), the booking number and the defendant's DOB. This generally occurs on Tuesday, due to caseload volume on Monday.

Finally, Cecilia accesses the CJS 270 screen to enter the case setting. The system defaults to a setting time of 8:30 AM. This default is used for all court settings,

regardless of the actual setting time, except for County Court at Law #4, which specifies that the setting be entered to the actual time of 2:00 PM.

After processing indigent forms with the “yes” attorney recommendation, Cecilia will review each of the forms designated as “roa” and then each of those designated as “no” to verify the defendant jail custody status. Once again, if the defendant has been released from jail, the form is placed in a stack to be photocopied (if multiple charges exist) and then delivered to the County Clerk’s office. Case settings are made for all defendants, but attorney appointments are only made for “yes” and “undetermined” recommendations.

At the end of each day, Cecilia will generate a report from the Attorney and Invoicing database application detailing the number of appointments made for the day. Cecilia will file this report with the work sheet in a folder for the day’s work.

Felony Cases

Jeanette Deleon is the Criminal Courts Administration judicial aide responsible for making attorney appointments for defendants with felony charges as well as for defendants with both a combination of felony and misdemeanor charges.

As previously described, indigence forms are picked up from the Pretrial Services office each weekday morning and stamped with the time and date. Jeanette then reviews each of the forms to determine if any contain issues that may require immediate assistance. As a general procedure, forms received on this day will be entered and appointments will be performed the next day. However, for cases that involve high-level charges, such as capital murder cases, Jeanette begins the processing the same day. The initial morning review determines if any such cases exist.

Every day, Jeanette and Cecilia receive the “Felony Court Report” in Excel 97 format by e-mail from the Sheriff’s Office. As mentioned previously, Cecilia generally prints out a copy of this report for Jeanette.

Once the forms received that morning have been reviewed, sorted and organized, Jeanette will begin with court appointments for forms received the previous day. Jeanette starts with the forms that have been designated with an attorney appointment recommendation of “yes.”

For each indigence form, Jeanette first verifies whether or not the defendant is still in custody. Utilizing Tiburon CMS, Jeanette queries the system by booking number to determine the status. If the defendant has been released from jail, Jeanette notes the release date and the reason for the release (e.g. released on personal bond) on both the indigence form and the Felony Court Report. If the defendant has multiple charges, then the Order Appointing Attorney form is placed in a stack to be later photocopied (one copy per charge). On each of the forms and related photocopied forms, a unique cause number is highlighted. Once a week, Jeanette delivers the forms to the District Clerk’s office.

If the defendant is still in custody, Jeanette proceeds with the attorney appointment process. Jeanette verifies – using Tiburon CMS - that the charges listed on the indigence form are complete and accurate. As necessary, Jeanette will correct or add charges. On the indigence form, she will note the arrest date.

Within the existing CJS case management system, Jeanette accesses the 270 screen to determine if the defendant has a current court setting and assignment. If a current setting exists, and an attorney is shown as hired, the indigence form is placed in a stack to be delivered to the District Clerk's office. If a current setting exists, but an attorney is listed as appointed or an attorney is not listed at all, Jeanette will make an appointment based on the criteria and information available. As necessary, Jeanette will additionally notify the appropriate court coordinator to inform him or her that the defendant is in custody.

Jeanette then accesses the 120 screen to retrieve the defendant's criminal history and determine if any pending cases exist. If any pending cases already exist, Jeanette identifies and determines what attorney is currently representing the defendant, and makes the same appointment for the new charge(s). If the defendant is being held for ATRP charges, and the last court date has been less than one year, then Jeanette will appoint the same attorney.

Utilizing paper with the felony appointment form already pre-printed, Jeanette prints out the criminal history information from the CJS 120 screen. Since the printer only has a single paper tray, as necessary, Jeanette will swap out and place the appropriate paper in for printing.

Within the Microsoft Access 2000 Attorney Appointment and Invoicing Database, developed and provided by the County Auditor's office, Jeanette inputs the booking number, the cause number and any special needs (if applicable). She then selects the appropriate felony offense and clicks on the "Eligible Attorneys" button. Based on the selected criteria and last appointment date, the database application filters and presents the list of attorneys eligible for appointment. Based on information that Jeanette may be aware of, she may appoint the attorney at the top of the list or she may choose one of the next available attorneys. An attorney may be skipped if Jeanette is aware that a bench appointment has been made (but not entered yet). Additionally, if there is any uncertainty to the degree of charges, Jeanette may use her best judgment in appointing the next available attorney. A selection is made by choosing the attorney and clicking on the "Appoint This Attorney" button.

After selecting the attorney to be appointed, the application returns to the previous menu form, where Jeanette inputs the date on which the defendant requested an attorney (based on the date provided on the indigence form), the appointment date (based on the date of this data entry) and the court number. She then inputs the first and last name of the defendant, the booking number, the arrest date, and selects the box that states the defendant is still in jail. If the case is unindicted, the court number will have the letter

'X' appended to the end of it, to denote that the case has been pre-assigned to that court. As necessary, Jeanette will input any relevant comments or remarks. If, for example, an appointment has been delayed for any reason, information explaining the reason for the delay is entered. The appointment record is then saved. If multiple charges exist for the defendant, as they often do, Jeanette must go through the same appointment process for each charge.

On the printed attorney appointment form, Jeanette completes the form by filling in the name of the appointed attorney, writing in the district attorney case (DA) number and booking number, checking the appropriate felony case type box (unindicted, rocket docket or indicted), and filling in the court number, setting date and time. If the defendant has additional misdemeanor cases, Jeanette completes the appropriate bottom section by listing the misdemeanor cause numbers, the corresponding offense description and the appointment date. Completed attorney appointment forms are placed in a stack to be faxed. On the Felony Court Report she will note the name of the appointed attorney.

Within CJS, the following case setting information is inputted: attorney personal ID number, appointment date, and docket setting date. Additionally, within the comments field, the attorney's name and the docket setting date information are entered. Daily reports are sent to each court coordinator informing them of indicted case information. Weekly, a report of defendants still in custody (with charges and number of days in custody) is also distributed by hand to each of the court coordinators.

After processing the forms that have been designated with an attorney appointment recommendation of "yes," Jeanette reviews each of the forms designated as "ROA."

If a defendant has been indicted by this time, Jeanette inputs the docket date, defendant name (first and last), arrest date, court number, cause number, attorney status, special needs and charge description into the ROA Access 97 Database. She then generates a report from the ROA database and faxes the report to the court daily. In turn, each court coordinator sets the case within CJS.

If the defendant has not been indicted, Jeanette will set the case on the CCA docket – on the CJS 270 screen – for four weeks out and will note ROA information in the comments field. She then enters the docket setting date, defendant name (first and last), arrest date, court number, cause number, attorney status, special needs and charge description into the ROA Access 97 Database. As described above, Jeanette generates a report from the ROA database daily and faxes the report to the court coordinators.

Over a period of four weeks, a CCA judicial aide checks weekly to determine whether a defendant has been indicted and whether or not the defendant is still in jail custody.

At any time during the four weeks, if the defendant is indicted, the CCA judicial aide will set the case in the appropriate court and will fax a "Felony First Appearance Reset Notice" form (with the defendant's name, cause number and booking number) to the

appointed attorney and the assigned court. On this form, she will write “DC” next to the cause number to indicate that the case has been indicted.

If, after four weeks, the defendant is still unindicted and still in jail, the CCA judicial aide sets the unindicted case in the appropriate court and faxes a “Felony First Appearance Reset Notice” form (with the defendant’s name, cause number and booking number) to the appointed attorney and the assigned court. Unindicted cases for the 331st District Court are set for the Magistrate’s Court.

If, after four weeks, the defendant is still unindicted, but is now out of jail, the CCA judicial aide looks up the “out of jail setting” date within Tiburon CMS and sets the case on the CCA out of jail docket within CJS for that setting date.

At the end of each day, Jeanette generates a fax log for verification purposes. This log is combined and filed with daily work sheets and jail reports.

Every Friday, Jeanette e-mails each of the court coordinators requesting docket dates for the following week.

Bench Appointments (Misdemeanor)

The court coordinator from County Court at Law #4 inputs bench appointment information in a shared Word 97 document stored in a shared folder on a network server. The remaining county court coordinators hand write on a bench appointment form which they deliver to Criminal Courts Administration.

Bench Appointments (Felony)

Currently, court coordinators from each of the criminal district courts notify Jeanette through different methods when a bench appointment has been made. The court coordinator from the 147th district court e-mails Jeanette a list of bench appointments on a daily or as necessary basis. Coordinators from the 167th, 331st, 390th and 403rd district courts input bench appointment information in a shared Word 97 document stored in a shared folder on a network server. The 299th district court coordinator calls and informs Jeanette when an appointment has been made from the bench.

Rocket Docket Settings

The Rocket Docket was established to expedite the handling of jail call dockets for felony drug cases by setting the cases, along with any other companion cases the defendant may have, within 14 days of the arrest. All Rocket Docket cases are set on the Magistrate’s Court docket.

Each weekday morning, Cecilia and Jeanette receive a list by e-mail from either Sherrie Howell or Renee Gomez, with the District Attorney’s office. The exact format varies depending on which legal secretary sends it, however, the list contains the following defendant information: name, CJS PID number, cause number, booking number and APD offense number.

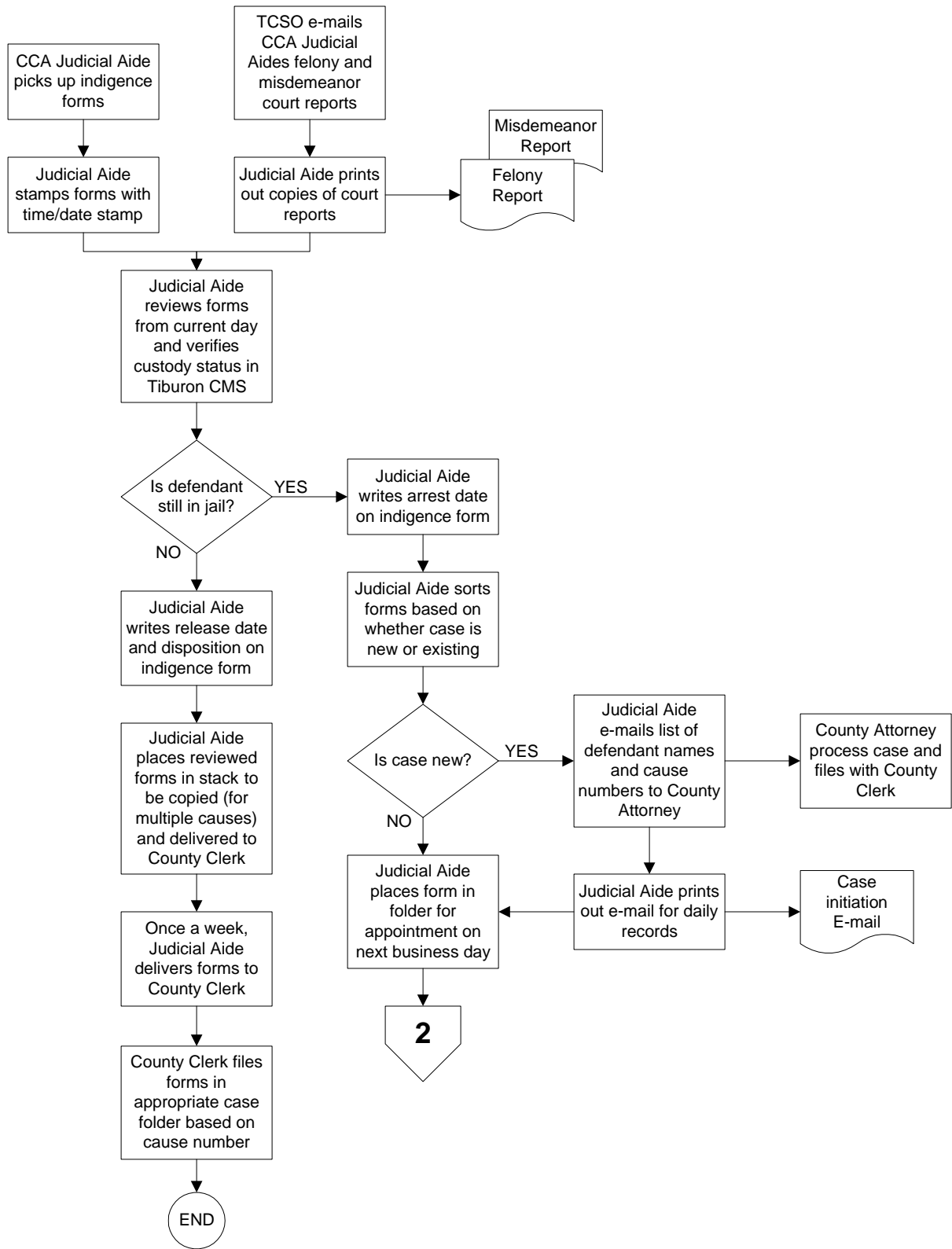
Attorney Contact Confirmation

Each afternoon, both Cecilia and Jeanette process forms that have been faxed back from attorneys indicating the date they made contact with the defendant. Within the Attorney Appointment and Invoicing Database, the cause number is entered, which causes the system to state that an appointment exists and to prompt whether or not the appointment should be edited. Within the appointment screen, the date of contact is inputted.

According to Criminal Courts Administration, approximately 80% of attorneys respond appropriately by faxing back the completed form with date of contact. Each Friday, both Cecilia and Jeanette run a query report from the Attorney Appointment and Invoicing Database to determine which attorneys have failed to respond. For these attorneys that have not responded within 72 hours of the appointment, a Microsoft Word form letter is generated and faxed to the attorney.

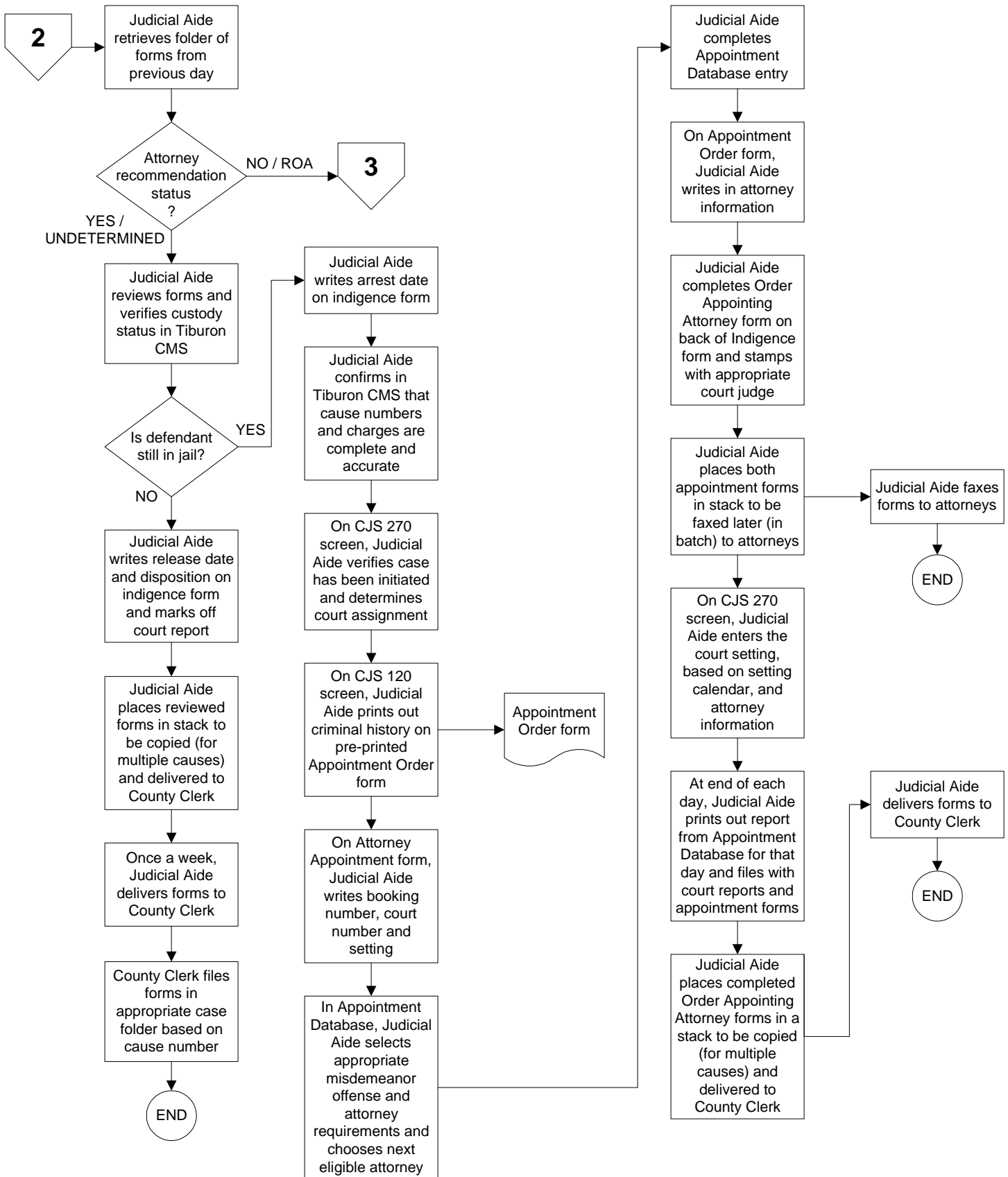
Criminal Courts Administration Indigence Assessment

Misdemeanor Indigence Form Review



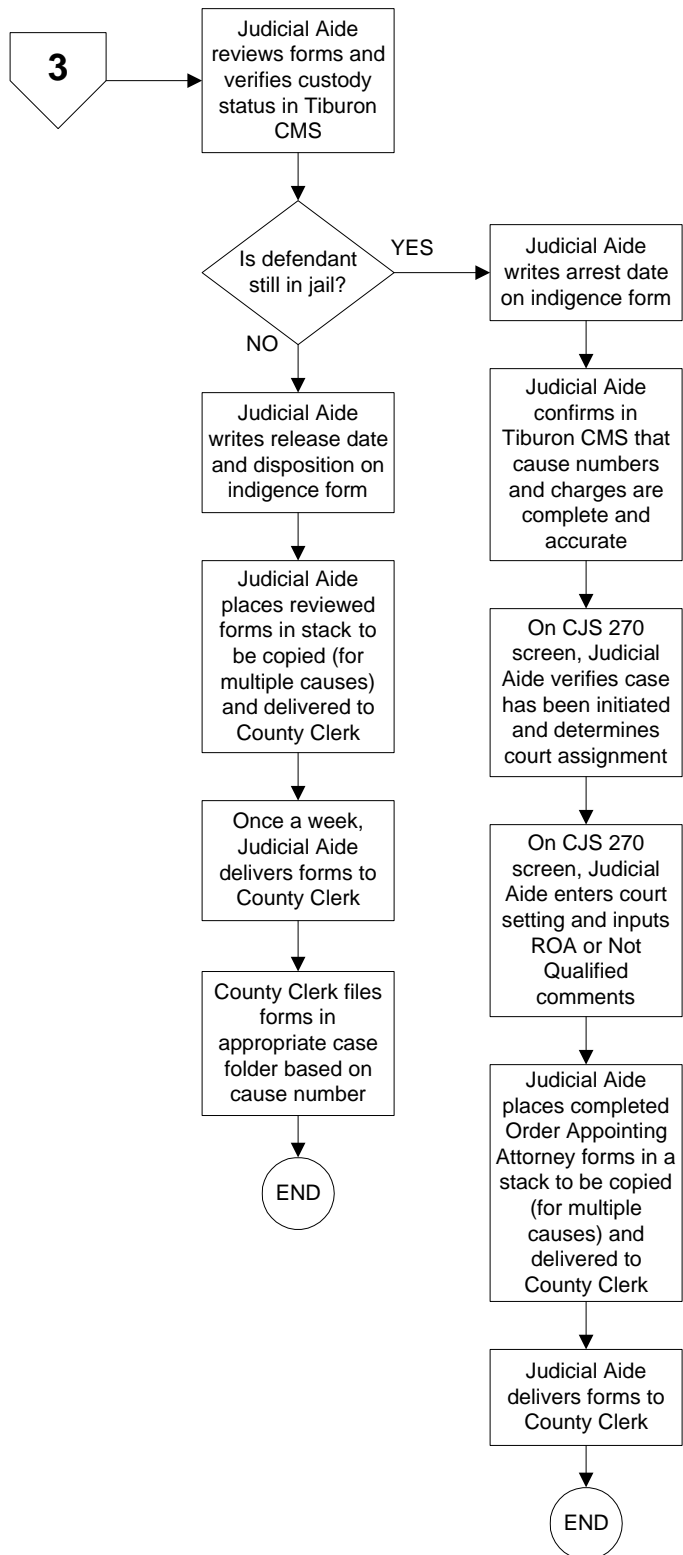
Criminal Courts Administration Indigence Assessment

Misdemeanor Attorney Appointment



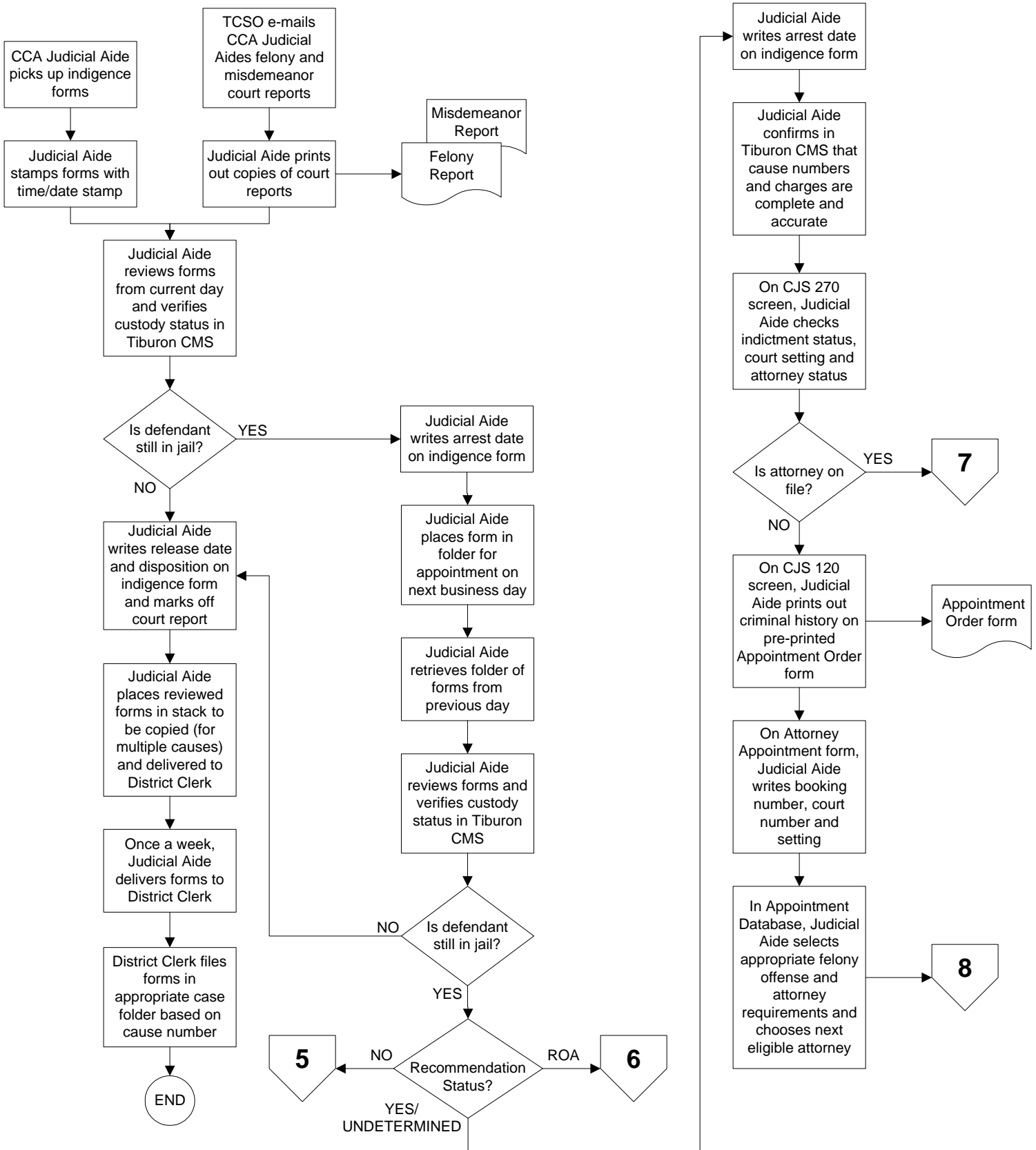
Criminal Courts Administration Indigence Assessment

Misdemeanor Attorney Appointment (Continued)



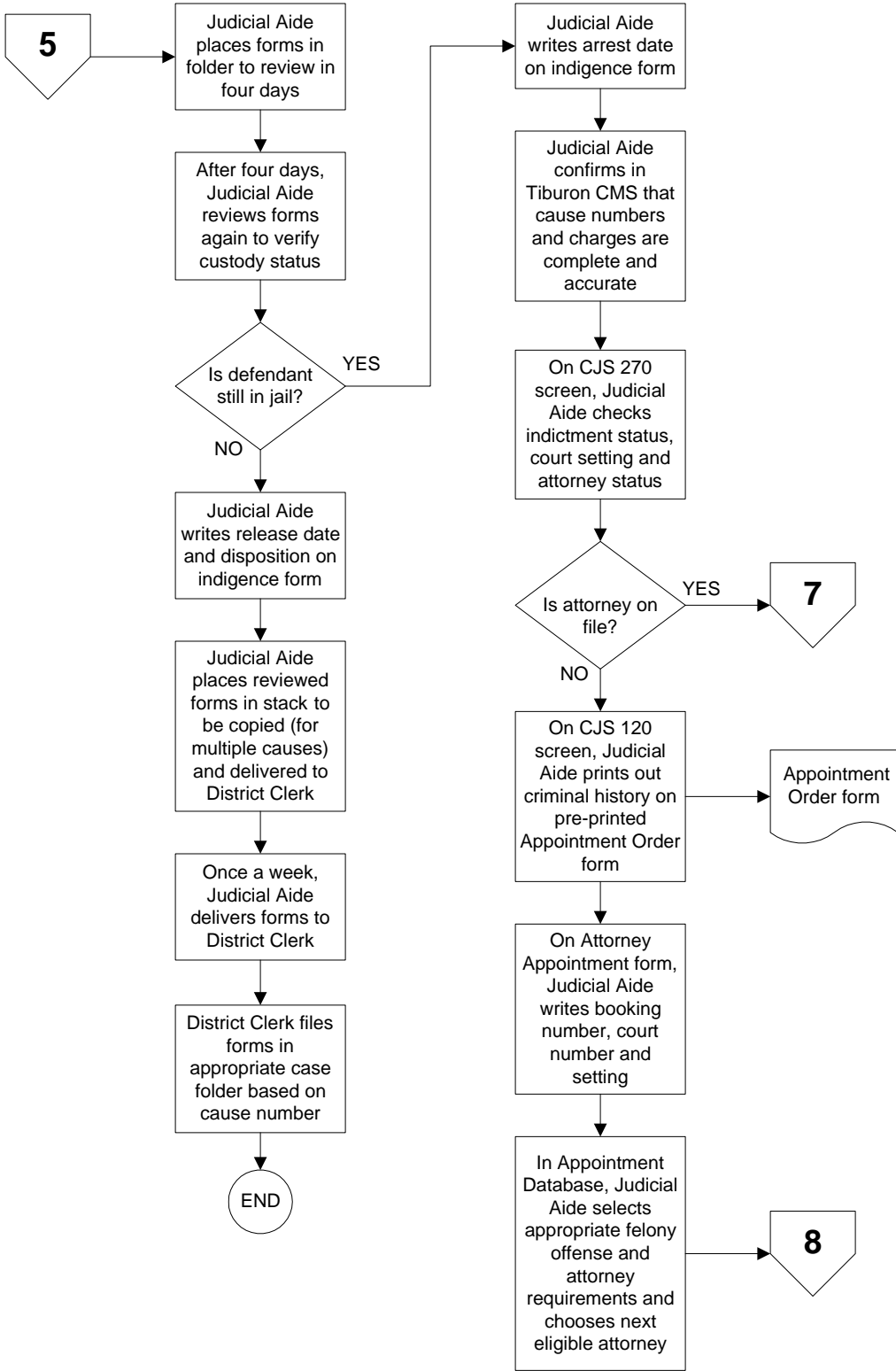
Criminal Courts Administration Indigence Assessment

Felony Indigence Form Review & Attorney Appointment



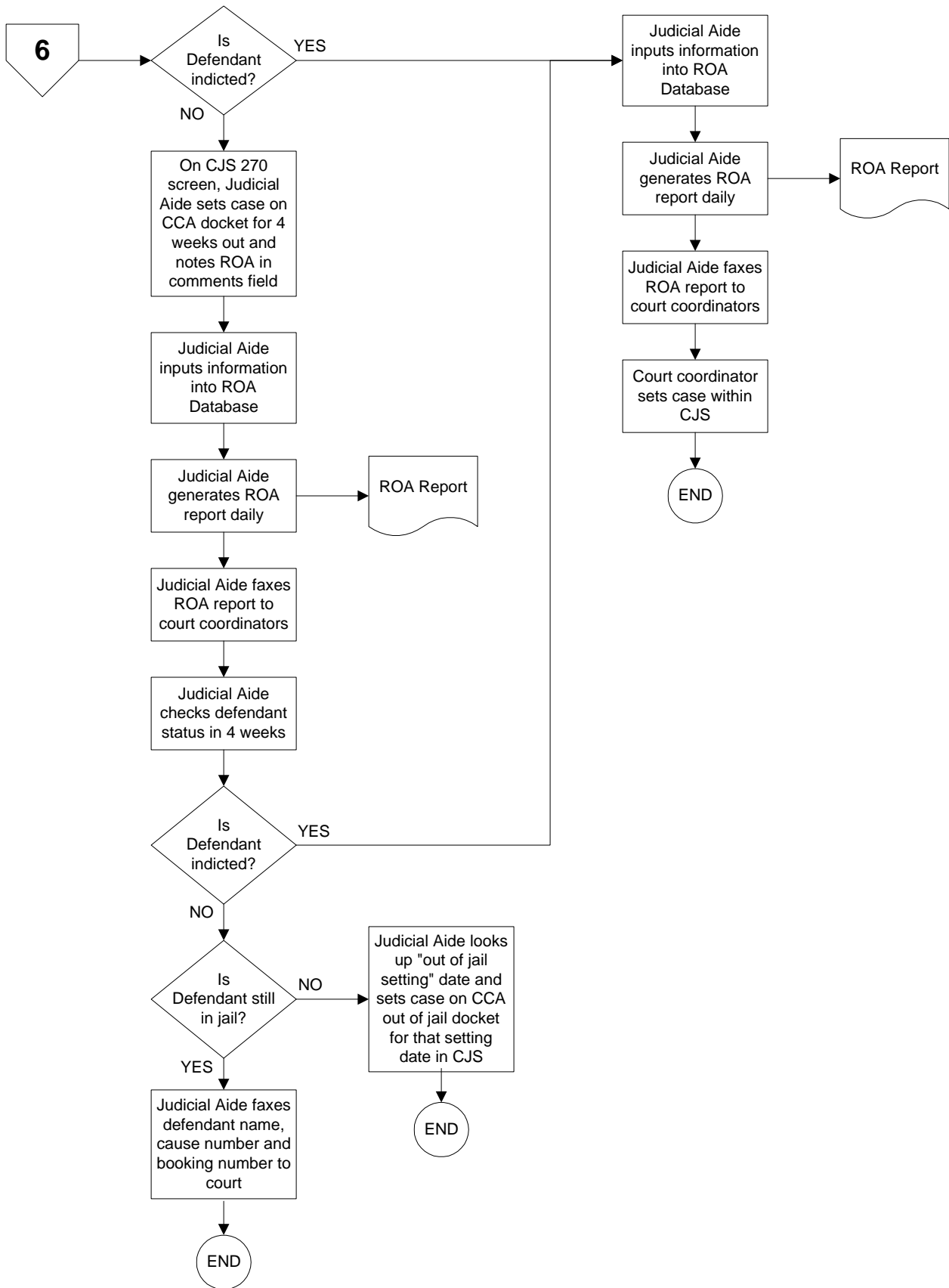
Criminal Courts Administration Indigence Assessment

Felony Attorney Appointment (Continued)



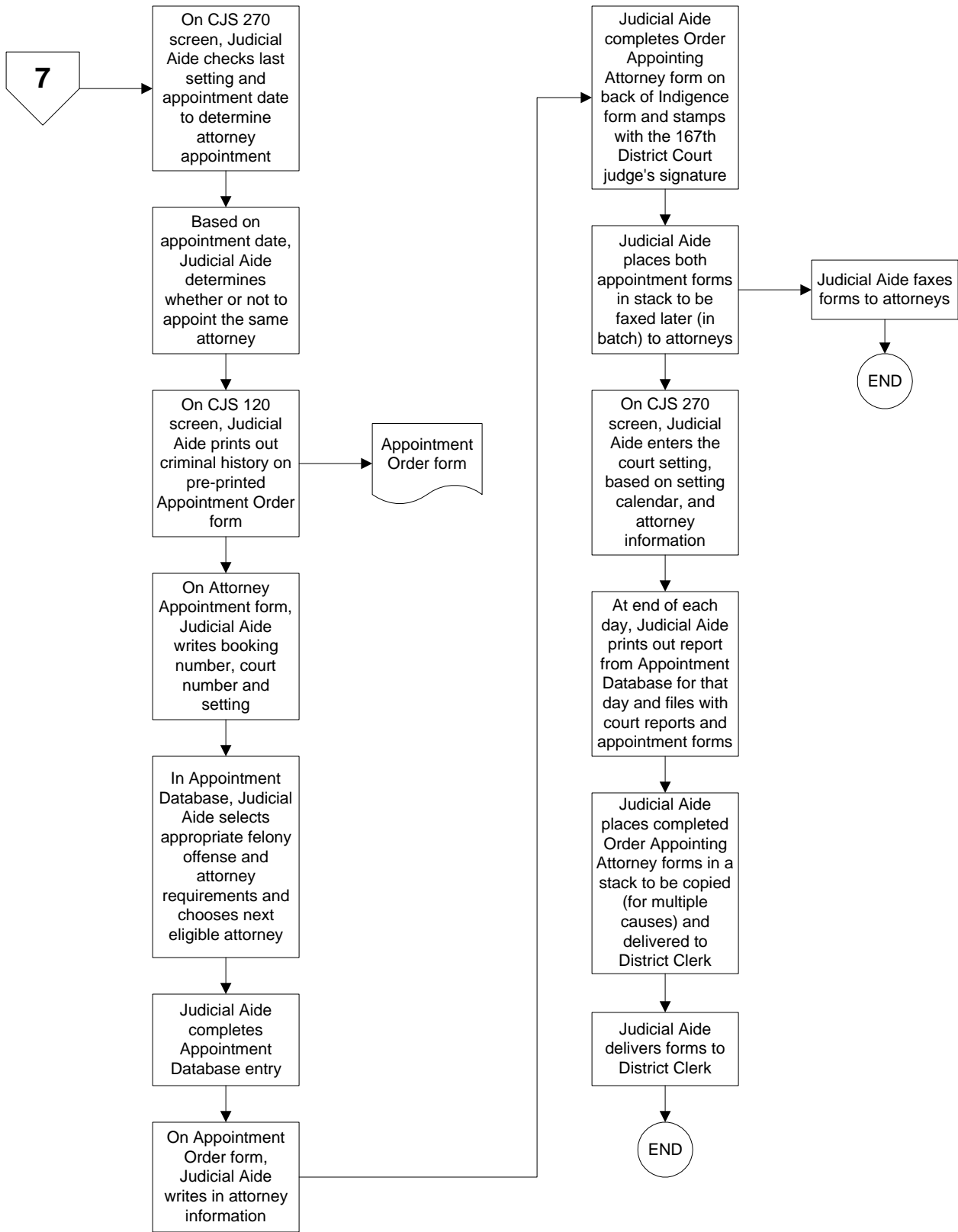
Criminal Courts Administration Indigence Assessment

Felony Attorney Appointment (Continued)



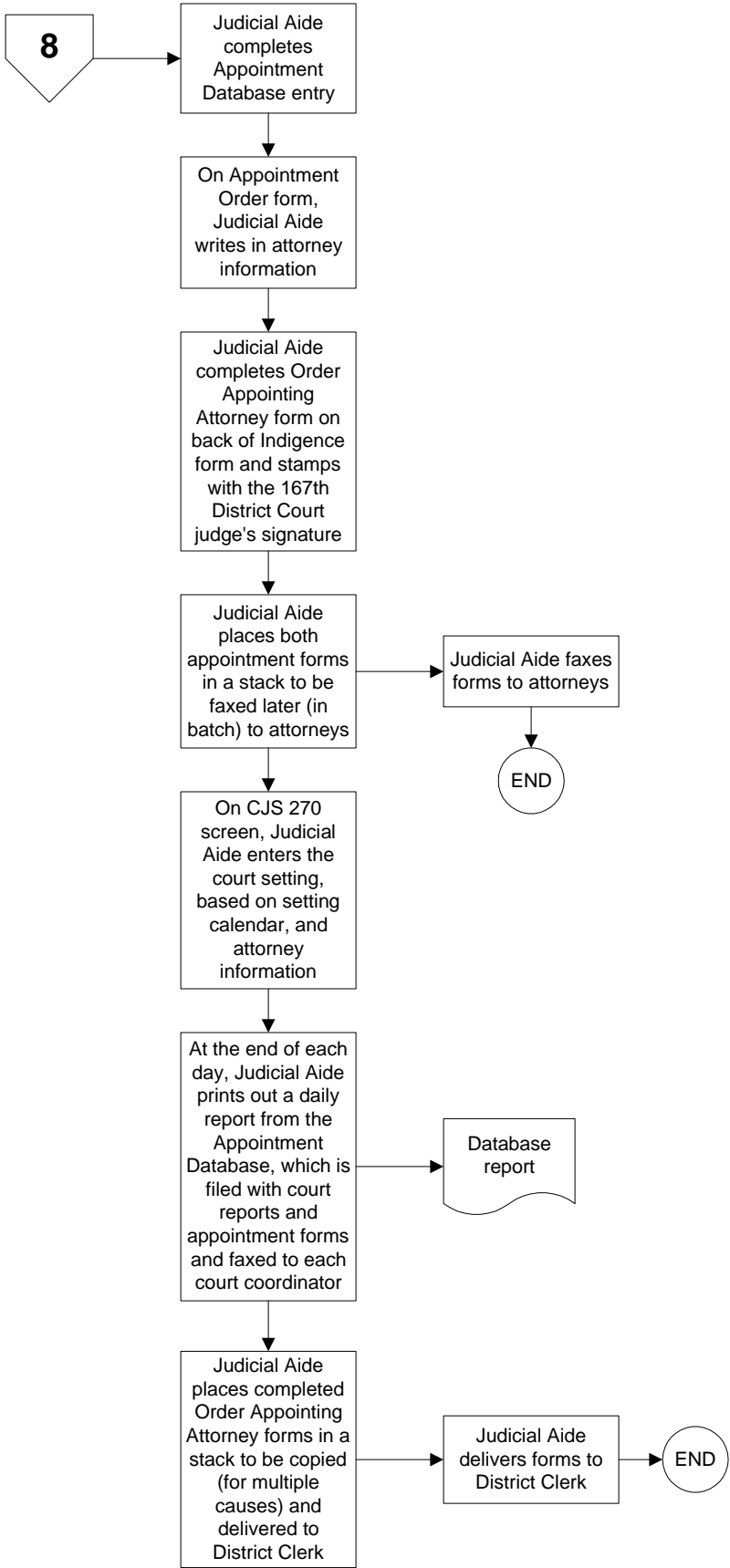
Criminal Courts Administration Indigence Assessment

Felony Attorney Appointment (Continued)



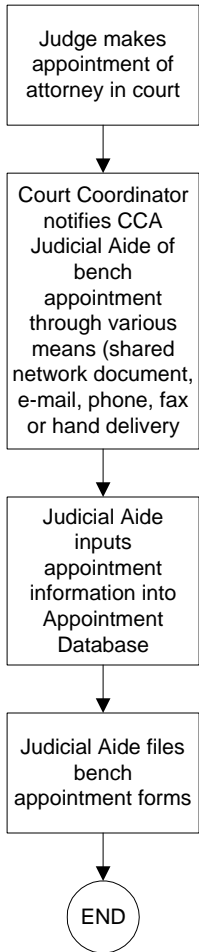
Criminal Courts Administration Indigence Assessment

Felony Attorney Appointment (Continued)



Criminal Courts Administration Indigence Assessment

Bench Appointments



Attorney Contact

