**2015 Travis County Discretionary Grant Application Narrative**

**(Multi-Year Grant)**

**a. Application Form**

Counties Represented: Travis

Fiscal Year: \_\_\_\_\_\_\_\_\_

State Payee Identification Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Division To Administer Grant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Program Title: Felony and Misdemeanor Managed Assigned Counsel Program

Requested Grant Amount: $\_\_\_\_\_\_\_\_\_\_\_\_

Financial Officer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Program Director: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**b. Introduction (Executive Summary)**

Travis County seeks to improve the quality of representation to indigent adult defendants charged with a felony or misdemeanor by establishing a full-service managed assigned counsel program (“MAC”). The MAC would provide Texas a model, other than public defender, that utilizes all of the Principles of a Public Defense Delivery System. Through a contracted entity, indigent defendants would be provided with qualified attorneys and defense team members. The MAC would oversee the entire indigent defense process, ensuring quality representation and saving taxpayer resources.

**c. Problem Statement**

The American Bar Association has released the Ten Principles of a Public Defense Delivery System indicating that Principle 1 is: "The public defense function, including the selection, funding, and payment of defense counsel, is independent." In Travis County, currently none of these functions are independent of the judiciary. Rather, Travis County's judiciary selects, requests funding and pays defense counsel. As stated in the ABA Principles, the current system lends itself to a perception, at the least, that political pressures have influence on defense counsel's efforts before those who approve payment on cases.

ABA Principle 10 states that "defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards." This is likely one of the areas of greatest concern for the Travis County Judiciary. It is extremely difficult for a judge to perform this function without engaging in advocacy in individual cases. The current system does not lend itself to significant quality control and oversight.

**d. Objectives**

In order to mitigate against the problems discussed previously, Travis County proposed the following specific objectives:

Objective 1: The managed assigned counsel program (MAC) will establish and staff the office.

Objective 2: Implement a fully functional managed assigned counsel program dedicated to representing indigent adult defendants charged with a criminal offense in Travis County - by January 1, 2015.

Objective 3: MAC will establish attorney, investigator and expert performance standards - by October 1, 2014.

Objective 4: MAC will monitor compliance with established attorney, investigator and expert performance standards - by October 1, 2015 and annually thereafter.

Objective 5: For those individuals determined to meet financial eligibility, the court shall notify the MAC of the client's need for counsel- within 1 working day of receiving defendant's request for attorney. Travis County Court Administration will remain responsible for the eligibility determination pursuant to the Travis County Fair Defense Plan and the contract with MAC.

Objective 6: MAC will provide the court with a series of on call attorneys to handle immediate appointments when necessary.

Objective 7: MAC will develop a system of panels where attorneys are matched with cases based upon qualification, experience, and training. From these panels Court Administration will select an attorney from the appropriate panel on a rotating basis. An attorney will be appointed to all defendants referred by the court - within 1 working day of receiving information from the court.

Objective 8: Assigned defense counsel will make initial contact with the client - not later than the end of the first working day after the date on which counsel is appointed, pursuant to Travis County’s Indigent Defense Plan.

Objective 9: Assigned defense counsel will conduct initial interview with the client - not later than 5 days after counsel receives notice of assignment of a client’s misdemeanor case and not later than 10 days after counsel receives notice of assignment of a client’s felony case, pursuant to Travis County’s Indigent Defense Plan.

Objective 10: MAC will review requests for investigators and expert assistance and make a determination on those requests (including assignment of investigator/expert if applicable).

Objective 11: MAC will review and approve fee requests by counsel, investigators and experts.

Objective 12: Conduct a survey of judges to determine their opinion of the quality of representation by attorneys being provided through the MAC - by October 1, 2015 and annually thereafter.

Objective 13: Produce an annual statistical report of activities in collaboration with Court Administration for submission to the Travis County Judiciary and Commissioners Court - by March 1, 2016 and annually thereafter.

**e. Methodology or Project Design (Activities)**

If awarded a grant to establish a managed assigned counsel program (MAC) for adult criminal cases, Travis County intends to follow the law and procedures in Article 26.047 of the Texas Code of Criminal Procedure and other applicable statutes.

1. Immediately upon notice that the County has been awarded the grant, an advisory committee (“Committee”) will be formed to oversee the MAC contract. The Committee will consist of the presiding Judge of the Travis County District Courts, the presiding Judge of the Travis County Courts at Law, the Director of Criminal Courts Administration, the Director of Criminal Justice Planning, and a Travis County Commissioner. The Committee will be responsible for recommending to the Commissioners Court the appointment of the governmental entity, nonprofit corporation or bar association to operate the MAC. The Committee will also oversee the development of a contract between the two entities.

2. The Commissioners Court will appoint the selected entity - by August 1, 2014.

3. The appointed entity will make every attempt to hire an attorney director who meets at least the minimum qualifications for that position to begin employment on or about October 1, 2014.

4. The Director shall develop a written plan of operation including the information required in Article 26.047 of the Texas Code of Criminal Procedure and any other requirements listed in the contract with Travis County - by November 1, 2014.

5. The Director shall make every attempt to hire the staff needed so that they can begin employment on or about November 1, 2014.

6. The MAC shall begin accepting case referrals on January 5, 2015 and providing quality defense services in those cases as needed.

7. The MAC shall provide annual statistical reports detailing information from the plan of operation and other requirements listed in the contract with Travis County - by March 1, 2016 and annually thereafter.

8. The MAC shall assist the Administrative Office of the Courts in compiling performance reports for the discretionary grant - as requested quarterly.

**f. Evaluation**

**Task Definition Measure**

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| Task | Definition | Measure |
| Establish Advisory Committee | Presiding County Court at Law Judge, Presiding District Court Judge, Criminal Courts Administration Director, Criminal Justice Planning Director, County Commissioner | Date of order establishing oversight  Date of First Meeting of Advisory Committee  (Copies of orders will be  maintained as part of the  grant file in the  Administrative Office of  the Courts; advisory committee meetings  will be maintained in the  Administrative Office of  the Courts) |
| Selection of Private Defender entity | Travis County Commissioners Court, after recommendation by  Advisory Committee | Date of recommendation  and appointment by Commissioners Court (e-  mail to TFID) |
| Job Descriptions completed | Job descriptions for each  position in the office will  be developed. | Date provided to TFID (by email). |
| Staff hired | Director, Assistant Director, Supervising Attorney, Full Time Administrative Assistant, and Part-time administrative assistant | Report indicating when each position is filled |
| Director start date | This position will set up the office. | Report the date employee is added to payroll |
| Software Setup | Set up case management  and monitoring system. | Date software is functional. |
| Staff start date | Assistant Director, Supervising Attorney, Full Time Administrative Assistant, and Part-time administrative assistant | Report indicating the date each employee is added to payroll |
| Policies and Procedures complete and training provided to staff | A policy and procedure manual to identify basic office procedures, how office will function and various staff roles. | Date manual distributed to staff and staff trained. |
| Commence MAC representation | Develop referral process from courts. Assist courts with submission of amendments to indigent defense plans if necessary. | Date that all plans are updated as necessary or contact made with the courts. |
| Begin serving defendants. | Office receives referral from court. | Report the date first case is received from court. |

**Outputs**

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| **Task** | **Definition** | **Measure** |
| Department Caseload | The number of active cases assigned to the MAC on the last business day of each month. | Monthly report detailing the department caseload. |
| Department Cases Disposed | The total number of cases closed during one month | Monthly report detailing the number of disposed cases |
| Average caseload summary | The department caseload divided by the number of attorneys assigned by the MAC on the last business day of each month | Report average caseload for all attorneys by month. |
| Attorney Caseload | The number of cases assigned to each attorney assigned by the MAC on the last business day of each month. | Report the number of cases assigned for all attorneys. |
| Average Cost per Case by MAC | The annual budget for the MAC, plus attorneys’ fees, divided by the annual disposed cases | Report the average cost per case by year |
| Percentage of total indigent cases (as identified during screening) filed that are assigned to the office | The number of cases assigned annually to the office divided by the total number of indigent cases filed | Report the percentage of cases assigned to the office.  Report the number of cases that were conflicts |
| Average cost per case by assigned counsel | For any cases assigned outside of the MAC, the total cost for counsel divided by the number of cases disposed by those private counsel | Report the average cost per case per year |

**Outcomes**

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| **Task** | **Definition** | **Measure** |
| Days from appointment to first contact with defendant | The number of days from the date the order of appointment is received until a contact is made with the defendant. | Report the average  number of days between  receipt of the order of  appointment to the  contact with defendant.  Report the number of  cases where the initial  contact is made more  than 1 working day after  the order of appointment  is received. |
| Days from appointment to initial interview contact with defendant (in jail only) | The number of days from the date the order of  appointment is received until the initial interview is made with the defendant in jail. | Report the average number of days between receipt of the order of appointment to the initial  interview with  incarcerated defendant.  Report the number of  cases where the initial  interview is made more  than 5 days after  the order of appointment  is received in a misdemeanor case and more than 10 days after the order of appointment is received in a felony case. |
| Type of disposition of cases | The type of disposition (dismissal, guilty plea or  jury trial) in each case assigned to the office | Report the number of:  1)Dismissals  2) Guilty Pleas  pursuant to a plea  agreement  3) Jury Trials on  Guilt/Innocence  and Punishment |
| Type of Convictions | The type of conviction handed down in each case (if found guilty) assigned to the office | Report the number of  cases where a defendant  was convicted.  Report the number of  cases where a defendant  was convicted for a lesser  offense. |
| Acquittals | Cases assigned to the office where the jury finds the defendant not guilty at guilt/innocence | Report the number of  cases where a defendant  was found not guilty of  any offense. |
| Type of Sentences | The type of sentence handed down in each case assigned to the Office | Report the sentence for  each case assigned to the  private defender where  a sentence is imposed. |
| Survey of stakeholders | Create a simple survey to be given to judges in Travis County. The survey should be conducted at the beginning of the grant period prior to services and annually thereafter. The survey should address the overall impressions of the quality of mental health indigent defense services from the office and from the private bar, as well as the impacts of such a case.  Create a user survey to be distributed to clients of the office to gauge the overall satisfaction with representation. | Report any change between the pretest and post-test, as well as annual changes.  Report level of client satisfaction with office representation. |

**g. Future Funding**

Assuming that the office proves effective at achieving the desired outcomes, Travis County will attempt to continue funding of the office out of general revenue after the grant expires, in accordance with state law. Travis County is committed to transitioning the indigent defense delivery system of the County to the managed assigned counsel system.

**h. Budget Narrative and Budget Form**

**CONTRACT SERVICES:** Since all costs will be expended by Travis County through a contract with the entity providing the MAC services, all funds will be placed in this line item. However, below is a justification for the contract services amount.

Costs within the contract services amount:

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| --- | --- |
| **PERSONNEL COSTS:** | |
| [I requested information to demonstrate parity for the salaries. I also asked about whether the program would employ a full time investigator or a case manager.]  The MAC will employee 3 attorneys and 2 non-attorneys as support staff. The MAC will not designate an employee to be solely in charge of investigators. Two of the three MAC attorneys will manage the appointments of investigators and experts. Regarding the number of attorneys on the Staff, the MAC looks to the San Mateo model, which had 4 attorneys: Director, Assistant Director, and 2 Supervising Attorneys to manage 110 attorneys. The MAC will have over 200 attorneys on the appointment list and the need for the 3 MAC attorneys is due to the volume of appointments handled by the MAC office. As the MAC functions grow to include a higher volume of investigator and expert appointments, an employee will be added as needed, if staff budget allows at a later date.  Attorney Director of the Managed Assigned Counsel Program (MAC) responsible for the implementation, development, monitoring and administration of the office. | $150,000 |
| Attorney Assistant Director of the Managed Assigned Counsel program, responsible for assisting Director in the implementation, development, monitoring and administration of the MAC office and supervising investigator and expert appointments | $120,000 |
| Supervising Attorney of the Managed Assigned Counsel program, responsible for direct management of attorneys on the appointment list, case management, and the mentoring and training programs. | $100,000 |
| Administrative Assistant | $40,000 |
| Part-time administrative assistant | $20,000 |
| **SALARY EXPENSE** | **$430,000** |
|  |  |
| Fringe Benefits (Medical, Retirement, Life Insurance, Workers Comp) | $100,855 |
| Taxes @7.65% up to base salary of $113,700 | $29,636 |
| **TOTAL PERSONNEL COSTS** | **$560,491** |

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| **OPERATING EXPENSES** | |
| **INSURANCE** | $4,000 |
| To provide professional insurance coverage for Director and/or Board of Directors |  |
|  |  |
| **TRAVEL AND TRAINING** | $9,000 |
| In order to allow the MAC staff to maintain high levels of professional excellence, $9,000 is being set aside for travel and training for professional development and professional memberships, including bar dues. |  |
| - Travel for Director, Asst. Director, and Attorney $2,500 each - Professional Memberships = $500 each |  |
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| **SUPPLIES** | $10,000 |
| These funds will be utilized for general office supplies for the MAC. |  |
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| **OFFICE SPACE** | $48,000 |
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| **SOFTWARE** | $60,000 |
| These funds will be utilized to contract for case management services through Defender Data or a similar software provider. |  |
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| **MENTORSHIP PROGRAM** | $30,000 |
| These funds will be used for new attorneys to the list, attorneys seeking to increase levels on the list, and attorneys needing mentoring to remain on the list. |  |
| 20 New Attorneys @ $500 each = $10,000 |  |
| 50 Attorneys - 8 hours each = 400 Hours @ $50/hr = $20,000 |  |
| **TOTAL OPERATING EXPENSES** | **$161,000** |
|  |  |
| **CAPITAL EQUIPMENT (One-Time Purchase)** |  |
| These funds will be utilized to provide office startup costs: Furniture = $20,000 and Computer/Office equipment = $17,500 |  |
| **TOTAL EQUIPMENT COSTS** | **$37,500** |
|  |  |
| **GRAND TOTAL** | **$758,991** |

From Kasey Hoke on 12/3/2013:

Below is the range of salaries for Travis County:

District Attorney 1st Assistant - $133,996 to $214,399

District Attorney Division Director - $109,380 to $175,009

District Attorney VII - $95,524 to $152,828