

Houston & Texas News

April 19, 2008, 10:10PM

Public defender system has its critics

Defense quality unmeasured and some attorneys are overworked

By SARAH VIREN

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When Texas overhauled its indigent defense system in 2001, politicians aimed to eliminate the patronage system.

State Sen. Rodney Ellis, who masterminded the Texas Fair Defense Act, says it made some improvements but not enough.

"We are starting to campaign now," he said of his recent push for Harris County to create a public defenders office.

There are eight public defenders offices serving juveniles in the state. Travis County has one. In Dallas County, public defenders handle child welfare and juvenile offender cases, but judges there still appoint private attorneys for some work. Officials from both offices say they prefer their system because it allows oversight; lawyers are reviewed at least annually and required to take continuing education on the subject.

But critics of public defender systems call them bureaucratic catastrophes. And though studies have shown public defenders offices can be cheaper than an appointment system, no one has figured out a way to objectively compare the quality of defense, said James Bethke, director of the Texas Task Force on Indigent Defense.

State records indicate that Harris County sent a higher percentage of kids to Texas Youth Commission lockups and adult jail than the other large juvenile centers in 2006, but it also set a slightly higher percentage free than these other counties.

Malikah Marrus, a social worker with the Southwest Juvenile Defender Center, believes a new system would help. In her years working in the courts, Marrus said, she has seen an attorney pull a child by the ear and yell at him in court and others ignore the youngsters they are paid to defend.

"Some (attorneys) just don't talk to their clients," she said. "They just don't talk to them. It's like their client doesn't exist."

Other critics contend that the attorneys given the biggest caseloads are so overworked they can't meet with clients.

"From the time of the detention hearing to the first hearing/arraignment in district court, the child generally is sitting in detention with no idea of the charges, (or) many times of their next hearing, and no counsel from an attorney," noted the Juvenile Detention Alternative Initiative in a report to the county last month.

But many working the current system believe a public defender office — unless adequately funded — would make matters only worse.

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H4K wrote:

The attorneys who have the biggest caseloads and are overworked need to be put



on a rotation schedule for case appointments. The cronyism in Harris County has been ongoing for far too long!

When attorneys are afraid to associate with their friends because a Judge does not approve, it is time to give Shelton the boot! What happened to the Constitutional right to Freedom of Association?

The judges have had this slick operation going on for years! The attorneys who depend on being appointed to ca\$e\$ are obliged to \$upport the judge'\$ campaign.

I can't help but question this sudden "insight" into judicial campaign funds. Who stands to profit from a public offender.. umm... defender's office?

We do not need another layer of government via a Public Defender's office; we need new, clean, judges (bring in the firehouse hose). The incestuous relationships between judges, attorneys, CPS, and CASA is overdue for a serious investigation.

(Letting the Fox watch over the Henhouse is not working)

There are some truly awesome attorneys in Harris County, but I did not see their names listed as the big \$\$\$ maker\$. I was surprised when an Attorney ad Litem (AAL) actually visited his youngest clients in their foster homes. AAL's are not required to visit clients under age 4.

How is it possible to recommend where the child will spend the rest of their childhood without visiting the child?

Oh yeah! Just ask CPS or CASA and they will let the attorney know what needs to happen.

Shelton does not allow for differing opinions anyway, so huddle in a backroom and make decisions without any personal knowledge. You are only deciding the future of a child!

Years later, the attorneys can represent the once innocent child when they enter the Juvenile Justice System.

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