

Research Assessment 12: Dallas District Court's Indigent Defense Plan

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Sources:

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2. "Population Estimates, July 1, 2015, (V2015)." Dallas County Texas QuickFacts from the US Census Bureau. N.p., n.d. Web. 04 Mar. 2017.
<<https://www.census.gov/quickfacts/table/PST045215/48113>>.

Analysis:

Recently, I discovered that each county in Texas has a well written Indigent Defense Plan that differ slightly from county to county. Understanding the purpose, procedure, and outlined rules of such plans is crucial to understanding how Indigent Defense programs, such as the Mental Health Managed Counsel program, work. It also gives insight in why programs follow specific procedures and do things a certain way. As a result, learning more about Dallas County's Indigent Defense plan would be tremendously beneficial. Though Collin County would be a good county to research since it where I live, I've decided to start by looking into Dallas County for various reasons. For example, Dallas County is the second most populous county in Texas with a population at approximately 2,553,385 individuals (US Census Bureau, 2015). Due to

that fact, it is important to understand the law and plan that affects such a huge population.

One of the most important law I read that I was unaware of was the following: *Each person arrested in Dallas County shall be brought before a magistrate within 48 hours of arrest.* This is significant because it was created to comply with the sixth amendment's right to a speedy trial. While this would seem minor, it is actually something that should be noted and known by all citizens.

On determining indigence, Section II outlines the basic requirements. Here is what the law specifically says: **2.1** *The court or its designee must evaluate each request for a court appointed attorney to determine whether the defendant is indigent. The court or its designee may not consider whether the defendant has posted or is capable of posting bail, except to the extent that it reflects the defendant's financial circumstances as measured by the following factors: (a) the defendant's income; (b) the source of the defendant's income; (c) the assets and property owned by the defendant; (d) the defendant's outstanding obligations and necessary expenses; (e) the number and age of the defendant's dependents, and (f) income of the defendant's spouse that is available to the defendant. The defendant will fill out a form addressing the above factors and if the court or its designee finds the defendant is indigent the form will be filed in the court file.* **2.2** *A person earning 150% or less of the federal HHS*

poverty guidelines is considered indigent for the purpose of appointment of counsel. So

what exactly does this all mean? Simply put, these requirements must be met to determine whether or not an individual can be considered indigent in the eyes of the State. Knowing this information is beneficial because I know can better understand the background of individuals in the Mental Health Managed Counsel Program.

Understanding the circumstances they are facing will help me better relate and put their case into context.

The rest of the Indigent Defense Plan reviews the minimum qualifications of a Indigent defense attorney, the process of promptly appointing counsel to indigent individuals, the attorney selection process and the fee and expense payment details.

Interestingly enough, this preamble was written in 2010 while the rest of the plan was updated in 2015. This made me wonder how often the Dallas District Court updates their plan. Is it annually? This seems likely and makes sense because having outdated plans would cause confusion and disorder in Dallas.