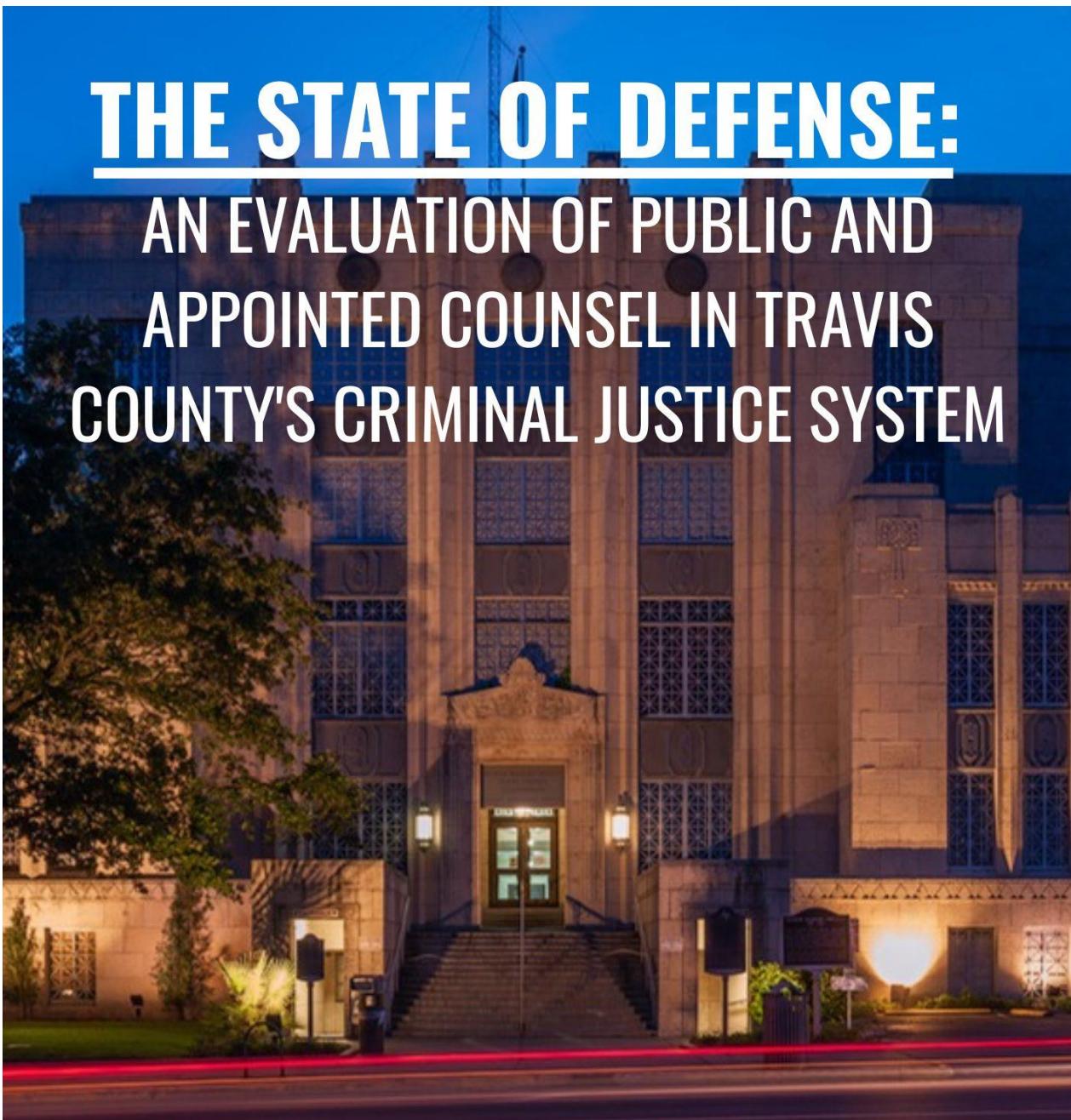


THE STATE OF DEFENSE:

AN EVALUATION OF PUBLIC AND APPOINTED COUNSEL IN TRAVIS COUNTY'S CRIMINAL JUSTICE SYSTEM



December 2025



TEXAS A&M UNIVERSITY

Public Policy

Research Institute

Travis County Commissioners Court
c/o Andy Brown, County Judge
700 Lavaca Street,
Austin, Texas 78701

Dear Judge Brown and Members of the Commissioners Court,

On behalf of the Public Policy Research Institute (PPRI) at Texas A&M University, please find enclosed the final report titled "The State of Defense: An Evaluation of Public and Appointed Counsel in Travis County's Criminal Justice System." This study was conducted at the request of Travis County as part of a Texas Indigent Defense Commission (TIDC) enhancement grant to examine the structure, performance, and impact of public defense delivery models in the county.

As part of this evaluation, the research team at PPRI conducted a comprehensive mixed-methods analysis between December 2024 and November 2025. The study reviewed administrative and financial data, conducted surveys and interviews with stakeholders, and analyzed outcomes related to the quality of representation, efficiency, and equity. Data sources included quantitative case-level data from court and attorney appointment systems, as well as qualitative insights gathered through interviews with judges, defense attorneys, county staff, prosecutors, office administrators, and community members.

The report provides an in-depth examination of Travis County's public defense system, including the Public Defender's Office (PDO), the Capital Area Private Defender Service (CAPDS), and other relevant defense mechanisms—and evaluates their effectiveness in meeting goals of fairness, efficiency, and fiscal accountability. The findings are intended to support data-driven decision-making and guide continued improvements to public defense services across the county.

PPRI was established by the Texas Legislature in 1983 to conduct applied research that informs policy and practice in Texas and beyond. PPRI's team of social scientists and policy researchers brings extensive experience in criminal justice, education, public health, and social policy evaluation. Since its inception, PPRI has secured more than \$150 million in externally funded projects and has partnered with numerous state and national organizations.

We deeply appreciate the trust and collaboration extended by Travis County, TIDC, and all local stakeholders who contributed to this study. We hope this report serves as a valuable resource in guiding future policy discussions and supporting ongoing efforts to strengthen the delivery of public defense in Travis County.

Sincerely,



George Naufal, PhD

Public Policy Research Institute – Texas A&M University

Table of Contents

Executive Summary	9
Introduction	11
Purpose.....	14
Travis County Public Defense Process	15
Stakeholders.....	15
Public Defense Process.....	16
Indigent Defense Spending.....	17
Methods.....	18
Court Record Data.....	18
Public Defense Spending Data.....	21
Stakeholder Interviews	21
Client Surveys.....	23
Case-Level Analysis of Public Defense Services.....	24
Cases by Office Over Time	24
New Cases and Cases Disposed.....	36
Attorney-Client Interactions	38
Time to Disposition	41
Pretrial Jail Days	43
Use of Investigators, Alternative Disposition Specialists, and Defense Experts.....	47
Settings and Trials.....	49
Disposition Outcomes.....	51
Sentencing Outcomes.....	54
Caseloads	59
Oversight and Client Complaint Resolution	64
Impact of Change in CAPDS Attorney Compensation	65
Summary of Quantitative Findings	66

Cost Analysis of Public Defense Services	69
CAPDS Vouchers	69
Cost Per Case.....	70
Stakeholder Perspectives on Public Defense Services.....	71
Principle 1: Independence	72
Oversight Boards.....	72
Attorney Recruitment and Retention	73
Principle 2: Funding, Structure, and Oversight	74
Funding	74
System Structure	75
Principle 3: Control of Workloads.....	75
Caseload Control	75
Excessive Caseload.....	76
Adhering to Caseload Standards	76
Principle 4: Data Collection and Transparency	77
Principle 5: Eligibility and Fees for Public Defense.....	78
Principle 6: Early and Confidential Access to Counsel.....	79
Attorney Availability	79
Early Access	81
Principle 7: Experience, Training and Supervision	81
Experience	82
Training	83
Supervision.....	83
Principle 8: Vertical Representation.....	84
Principle 9: Essential Components of Effective Representation	85
Handling Legal Matters	85
Access to Professional Supports	85

Connection to Social Services.....	86
Principle 10: Public Defense as Legal System Partners	87
Quality Representation	89
Performance or Perceptions of Quality: CAPDS.....	89
Performance or Perceptions of Quality: PDO.....	90
Quality Comparison: CAPDS vs PDO.....	91
The Role of Commissioners Court and County Leaders.....	91
Successes.....	93
Public Defense System as a Whole.....	93
CAPDS-Related Successes	94
PDO-Related Successes.....	95
Challenges.....	96
Public Defense as a Whole	96
PDO-Related Challenges	99
CAPDS-Related Challenges	102
Stakeholder Suggested Improvements.....	103
Client Perspectives on Public Defense Services	108
Conclusions and Recommendations	119
Recommendations	119
General Recommendations.....	119
Recommendations for the Commissioners Court.....	121
Recommendations for CAPDS	121
Recommendations for the PDO	122
Recommendations for the Judiciary	122
References.....	124
Appendix A – Stakeholder Interview Questionnaires	125
Interview Questions for County Officials.....	125

Interview Questions for Judges	125
Interview Questions for Attorneys	126
Interview Questions for Community Groups	127
Appendix B – Client Survey	128
Appendix C – Time Markers Used in Each Figure and Table	140
Appendix D – Case outcomes Analysis by Demographics	143
Appendix E – Case outcomes Analysis by Charge Type	157
Appendix F – Sentence Type Analysis by Charge Type	159
Appendix G – Average Pretrial Jail Days Analysis by Demographics	161
Appendix H – Average Pretrial Jail Days Analysis by Charge Type	164
Appendix I – Percent Detained Pretrial	165
Appendix J – Percent with at least one PR Bond	166
Appendix K – Distribution of CAPDS Attorney Caseloads by Year	167

List of Figures

Figure 1. Timeline of Public Defense Services Study	18
Figure 2. Number of People Represented by Attorney Type Over Time	24
Figure 3. Number of Appointed Cases by Attorney Type Over Time	25
Figure 4. Number of Appointed Cases by Case Type and Attorney Type Over Time	26
Figure 5. Percent of Felony/Misdemeanor Cases Appointed by Attorney Type Over Time	27
Figure 6. Attorney Type Distribution by Case Type and Appointment Year	28
Figure 7. Distribution of Felony Charges by Attorney Type and Year	30
Figure 8. Distribution of Misdemeanor Charges by Attorney Type and Year	31
Figure 9. Gender Distribution of Defendants by Attorney Type	33
Figure 10. Age Distribution of Defendants by Attorney Type	34
Figure 11. Race Distribution of Defendants by Attorney Type	35
Figure 12. Ethnicity Distribution of Defendants by Attorney Type	35
Figure 13. Number of Cases Initiated by Year	36
Figure 14. Number of Cases Disposed by Year	37

Figure 15. Average Days from Appointment to Initial Contact (CAPDS).....	38
Figure 16. Initial Contact Type by Year (CAPDS)	39
Figure 17. Average Length of Face-to-Face Meeting by Year (CAPDS).....	40
Figure 18. Average Days from Appointment to First Disposition	42
Figure 19. Average Pretrial Jail Days.....	44
Figure 20. CAPDS Expert Witness, Investigator, and Social Worker Use Over Time (Percentage of Cases)	48
Figure 21. CAPDS Expert Witness and Investigator Average Cost in USD.....	48
Figure 22. Average Number of Settings by Year.....	50
Figure 23. Number of Jury Trials by Year of Trial	51
Figure 24. First Disposition Type	52
Figure 25. Sentencing Type – If Convicted	55
Figure 26. Average Number of Sentencing Days (PDO)	57
Figure 27. Average Number of Sentencing Days (CAPDS).....	58
Figure 28. Average Number of Sentencing Days (Retained).....	58
Figure 29. Number of Cases Appointed to CAPDS by Year	60
Figure 30. Number of CAPDS Attorneys Appointed by Year	60
Figure 31. Average Number of Cases Appointed Per Attorney to CAPDS Over Time	61
Figure 32. Number of Cases Appointed to PDO by Year.....	62
Figure 33. Number of PDO Attorneys Eligible for Appointment by Year.....	63
Figure 34. Average Number of Cases Appointed Per Attorney to PDO Over Time.....	64
Figure 35. CAPDS Average Voucher Cost Per Case	69
Figure 36. Distribution of Representation.....	108
Figure 37. Feeling Informed About Attorney Appointment.....	109
Figure 38. Time to First Client Attorney Contact.....	110
Figure 39. Ease of Contacting Attorney	111
Figure 40. Frequency of Communication with Attorney	112
Figure 41. Defendant Reported Attorney Responsiveness.....	113
Figure 42. Defendant Views on Attorney Time Spent	114
Figure 43. Defendant Understanding of Court Proceedings	115
Figure 44. Defense Attorney Advocacy in Court.....	115
Figure 45. Defendant Views on Fairness of Case Resolution.....	116
Figure 46 How Defendants Define Quality Representation	117

List of Tables

Table 1. Key Terms and Definitions.....	12
Table 2. Travis County Indigent Defense Spending FY 2021 - 2024	17
Table 3. Row Percentages of Highest Charge Levels by Attorney Type	29
Table 4. Percentages of Highest Charge Levels by Attorney Type	32
Table 5. PDO Client Interaction.....	41
Table 6. Average Days from Appointment to First Disposition by Charge Type.....	43
Table 7. Pretrial Detention Status by Attorney Type.....	45
Table 8. Pretrial Release Occurrence by Attorney Type	46
Table 9. PDO Investigator, Social Worker, and Immigration Attorney Use	49
Table 10. Percentage Breakdown of First Disposition Types by Year and Attorney Type	53
Table 11. Percentage Breakdown of Sentencing Types by Attorney Type and Year.....	56
Table 12. Attorneys Receiving Disciplinary Action.....	65
Table 13. Regression Discontinuity Results for Case Outcomes and Time to Disposition by Felony Level	68
Table 14. Attorneys Receiving Disciplinary Action.....	70
Table 15. Staff Composition by Fiscal Year and Office	71
Table 16. Number of Cases and Number of Defendants Represented by Staff by Fiscal Year and Office	71

Executive Summary

In 2025, the Travis County Commissioners Court engaged the Public Policy Research Institute (PPRI) to conduct a comprehensive evaluation of the county's public defense system. Travis County operates a hybrid model consisting of the Capital Area Private Defender Service (CAPDS) and the Public Defender's Office (PDO). Using case-level data, administrative records, cost information, interviews with stakeholders, and surveys of defendants, this study examines the structure, outcomes, and client experiences associated with both offices. The findings highlight significant differences between the two offices and their impact on equity, workload, and quality of representation.

Prior to 2015, judges were responsible for assigning and paying attorneys to represent indigent defendants. This approach often resulted in inconsistent standards, created opportunities for conflicts of interest, and introduced inefficiencies into the system. CAPDS was established in 2015 to manage attorney appointments and strengthen oversight of indigent defense in the county. In 2020, the PDO was launched, supported by an initial grant from the Texas Indigent Defense Commission (TIDC), to further expand public defense services. Although the county currently allocates roughly equal funding to both offices, CAPDS handles five times more cases than the PDO. The two offices differ significantly in staffing, attorney experience, organizational structure, and overall operating philosophy. CAPDS is staffed by 145 individuals, including 123 contracted attorneys who handle indigent defense cases. The office has limited support staff, and attorneys manage their own caseloads. In contrast, the PDO employs 75 staff members, including 34 full-time attorneys supported by robust administrative and holistic service teams, with caseloads supervised internally. These structural differences significantly influence attorney capacity, case management, and the overall client experience.

Data show that CAPDS handles the largest share of felony cases, including the most serious offenses such as F1 and F2 charges. CAPDS attorneys also represent the vast majority of defendants in trials. Despite this, they manage higher caseloads and have fewer support resources than PDO attorneys. Although time to first disposition is similar across CAPDS and PDO, the outcomes differ meaningfully: CAPDS has the highest conviction rate, the PDO has the highest percentage of rejected charges, and retained counsel has the highest rate of deferred adjudication. Pretrial detention patterns also vary. CAPDS clients are less likely to be detained pretrial, but when they are detained, they spend more days in custody on average. Some of these findings align with CAPDS taking on the majority of the most serious charges.

Client surveys indicate that the majority across both offices felt their attorney advocated for them and provided a fair resolution, but important differences emerged. PDO clients were more likely to report that their attorney listened, spent adequate time with them, and communicated effectively. Both offices struggled with early and consistent communication, especially for clients in jail. Overall, the PDO was consistently described as delivering holistic, team-based defense, while CAPDS was viewed as having more experienced attorneys but fewer support resources and greater variation in attorney quality.

Stakeholders highlighted several systemwide strengths and areas of progress within Travis County's public defense system. They noted increased investment and staffing dedicated to indigent defense, along with improved communication and a growing emphasis on holistic defense practices. The county has also seen shorter times to disposition and reductions in pretrial jail days. Stakeholders consistently praised the strong leadership across the PDO, CAPDS, and county offices, as well as the deep commitment shown by attorneys and staff who are invested in the well-being of defendants.

Stakeholders also identified several challenges. They noted that differences between CAPDS and the PDO create inequities, often stemming from variations in caseloads, available resources, and organizational structure. Recruitment and retention of defense attorneys remain difficult, with PDO attorneys reporting burnout and CAPDS facing ongoing challenges in maintaining a sufficient panel. Stakeholders further described siloed operations among courts, prosecutors, defense offices, and pretrial services, which contribute to inefficiencies and inconsistent practices across the system. Additionally, CAPDS continues to be under-resourced relative to its substantial case burden, while the PDO regularly seeks additional staffing to support its holistic defense model.

The report outlines a series of recommendations calling for coordinated action among the Commissioners Court, the PDO, CAPDS, and the judiciary. Broadly, the county should invest in modernizing its criminal justice data systems, strengthen collaboration across offices, expand joint training opportunities, and enhance recruitment and retention efforts for indigent defense. For the Commissioners Court, the report recommends facilitating a shared visioning process across the CAPDS, PDO, and County Legal Services (CLS), considering an organizational realignment that places both offices under CLS oversight (while maintaining independence of both offices), and ensuring resources are allocated to support equitable staffing and caseload distribution including evaluating salary competitiveness at the PDO. For CAPDS, the report advises improving attorney performance monitoring and streamlining the removal process for underperforming panel attorneys. Recommendations for the PDO include developing a roadmap for sustainable case share increases and strengthening relationships with justice system stakeholders. Finally, recommendations for the judiciary include expanding available dockets and court hours and implementing administrative improvements to enhance courtroom efficiency.

The evaluation shows that Travis County has made significant progress in strengthening public defense. However, meaningful gaps remain between the experiences and outcomes of clients represented by CAPDS and the PDO. Addressing structural, staffing, and coordination challenges, while investing in holistic defense and systemwide collaboration, will help ensure equitable, high-quality representation for all defendants in Travis County.

Introduction

The sixth amendment of the United States Constitution guarantees anyone charged with a crime the right to an attorney in all criminal prosecutions.¹ For those who cannot afford to retain counsel, an attorney is appointed to represent them in these proceedings. This right was codified in the 1963 Supreme Court case *Gideon vs. Wainwright*.² In addition to the right to counsel, the American Bar Association (ABA) further endorses Ten Principles of a Public Defense Delivery System, which supports the notion that defendants should have access to high-quality, well-funded, and independent counsel.³ Practically speaking, the appointment of counsel is implemented and funded by local county governments where the majority of criminal proceedings are conducted. This is also true in Travis County, Texas where indigent defendants are served by a complex public defense system. In Travis County, indigent defendants can be assigned counsel from one of two public defense providers, the Capital Area Private Defense Service (CAPDS) or Public Defender's Office (PDO).

Established in 2014, CAPDS instituted a managed assigned counsel system to the previous ad-hoc system managed by individual members of the judiciary. In response to the decreasing availability of attorneys and evolving standards of public defense, Travis County applied for grant funding from the Texas Indigent Defense Commission (TIDC) to establish a unified PDO in 2020 and to enhance holistic defense services provided through CAPDS. The intentional creation of this dual provider system brought Travis County into better alignment with the ABA's Ten Principles of Public Defense Delivery Systems⁴, which recommends public defense be a mixed system of public defense offices and private counsel. In addition, the application for this grant signaled an increased financial commitment to investment in indigent defense services in Travis County.

However, the dual provider system created a complex network of case assignments and new stakeholders within Travis County. Further, this dual provider system has the potential for inequality in the delivery of public defense services. Nevertheless, the dual provider system affords Travis County the opportunity to evaluate the overall public defense system as well as compare the performance of each provider. As a part of the initial enhancement grant funding from TIDC that established the adult division of the PDO and expanded services provided by CAPDS, Travis County must evaluate the effectiveness, efficiency, and equity of public defense services. To fulfil this obligation, the Public Policy Research Institute (PPRI) at Texas A&M University conducted this study. This evaluation aims to describe the current public defense process in Travis County while comparing the public defense providers in terms of their case outcomes and client satisfaction. In addition, it considers stakeholders' perspectives in the challenges and successes of the public

¹ U.S. Const., amend. VI.

² *Gideon v. Wainwright*, 372 U.S. 335 (1963).

³ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

⁴ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

defense system, as well as comparing the cost per case for each provider. This study utilizes multiple methods including case-level data analysis, document review, client surveys and stakeholder interviews. The result is a comprehensive analysis of the public defense system in Travis County and a series of recommendations to improve the defense system, both for stakeholders as well as clients. Below is a list of key terms utilized in this study, along with their definitions and clarifications (see Table 1).

Table 1. Key Terms and Definitions

Term	Definition and Notes
Cases	Refers to individual criminal matters filed with the court. Each case is identified by a unique cause number and may involve one or multiple charges. A defendant can have multiple cases in a given period. The terms Case and Cause were used interchangeably
Attorney Type	Refers to the type of legal representation: Public Defender's Office (PDO), CAPDS-appointed counsel, or retained (privately hired) counsel.
Charges/Charge Type	Refers to whether the case involves a felony or misdemeanor offense.
Felony Charges	These range from FX, F1, F2, F3, and FS. FX refers to capital murder. F1 through FS indicate decreasing severity levels, with F1 being the most severe and FS the least severe.
Misdemeanor Charges	These include MA (most severe) and MB (least severe).
First Disposition	Refers to the earliest final outcome of a case and includes Dismissed, Acquitted/Not Guilty, Deferred Adjudication, Probation, Convicted, and Charges Rejected.
Dismissed	The case was dropped by the court or prosecutor, resulting in no conviction or further action.
Acquitted/Not guilty	A judge or jury determined that the defendant was not legally responsible for the alleged offense.
Deferred Adjudication	A type of community supervision where a defendant pleads guilty or no contest, but formal conviction is deferred; upon successful completion, the case may be dismissed.
Probation	The defendant was found guilty but sentenced to supervised community supervision instead of incarceration.
Convicted	The court entered a formal finding of guilt, resulting in a criminal conviction.
Charges Rejected	The prosecutor declined to pursue charges after the case was filed or presented.
Case Outcomes	Refers broadly to the result of the case, typically measured through the First Disposition.
Sentencing Outcomes	If the case results in a conviction, sentencing and includes Prison, State Jail, Local Jail, Deferred Adjudication, or Probation.
Appointment	Refers to the assignment of counsel (PDO, CAPDS, or retained) to a defendant at the start of representation
Demographics	Variables describing key characteristics of defendants, including Age, Race, Gender, and Ethnicity.

Experts	Includes Expert Witnesses, Investigators, and Social Workers involved in case preparation or litigation.
Vouchers	Refers to payment requests submitted by appointed attorneys for work performed on a case.
Jury Trials	Cases that proceeded to a jury for determination of guilt or innocence.
Settings	Scheduled court hearings or related to a case.
Pretrial Jail	Refers to whether a defendant was held in local jail prior to the resolution of their case.
Appointment Year	The year in which an attorney was appointed to represent the defendant.
Disposition Year	The year in which the case reached its first disposition.
Case Initiation Year	The year in which the case was filed or opened in the court system.

Purpose

The primary purpose of this evaluation is to conduct a comprehensive, mixed-methods assessment of the public defense services within the adult criminal justice system of Travis County, Texas.⁵

This study is designed to evaluate the overall effectiveness of the current public defense system by:

- Describing the current processes and clarifying the roles of key stakeholders.
- Analyzing a broad range of quantitative, case-level metrics (including caseloads, time to disposition, pretrial incarceration, use of resources, and case outcomes) to determine system performance and cost-per-case by provider.
- Gathering qualitative data through stakeholder feedback and client satisfaction measures (examining factors such as attorney-client trust, quality of advice, and time spent with counsel).

The evaluation utilizes this balanced approach to provide an objective, holistic assessment that identifies both the strengths and challenges within the system. It concludes with evidence-based recommendations aimed at improving the effectiveness and efficiency of the Travis County public defense system.

⁵ It is important to note, this evaluation is comprised of data from the adult criminal justice system. It does not include data from the juvenile justice system, parental representation, Office of First Defense, Appeals, Writs, or Forensics Project. The additional areas of the justice system are outside of the scope of the evaluation agreement.

Travis County Public Defense Process

The public defense system in Travis County involves several groups of key stakeholders, each with the goal of providing the client with the best service to get the best possible outcome in their case. These stakeholders interact with the public defense and criminal justice systems in different ways but play a vital role in the administration of justice.

Stakeholders

The two primary groups responsible for directly providing defense services are the Capital Area Public Defense Services (CAPDS) and the Travis County Public Defender's Office (PDO). CAPDS is a nonprofit organization that provides oversight to the private defense bar and serves as the managed assigned counsel provider for Travis County. CAPDS does not directly oversee the private defense attorneys who are affiliated with the organization but provides resources and training opportunities for attorneys. If issues with attorneys do arise, CAPDS can remove them from future appointments but is limited in its ability to discipline them. By contrast, the PDO is the institutional provider of defense services within Travis County. The PDO is a department of the County, and all members are County employees. The PDO has direct oversight of all attorneys, social workers, investigators, and other personnel within the department, and can act if any complaints are raised. The PDO also provides in-house training opportunities.

The public defense system is administered by the Criminal Court Administration (CCA). CCA is responsible for the assignment of all court appointed counsel, CAPDS and PDO, and holds the county budget used to pay attorney vouchers. It maintains the 'wheels' of attorneys who are eligible to receive appointments, and records whether attorneys are 'active' and receiving cases or 'inactive'. Additionally, CCA is responsible for the maintenance of the county's Indigent Defense Application (AMP), which holds information related to court appointments. All of the county's court records are maintained by the District and County Clerk, respectively.

In addition to the two defense providers and CCA, Travis County has recently established the department of Community Legal Services (CLS) as a centralized department to unify the public defense services, both criminal and civil, in the County. Currently, CLS oversees the Office of First Defense (OFD), which provides counsel to individuals at arraignment before their eligibility for appointed counsel has been determined. OFD provides counsel at arraignment only. CLS has a collaborative relationship with CAPDS and PDO. Additionally, CLS is responsible for the payment of attorney vouchers.

Though not responsible for the provision or administration of defense services, the Pretrial Services Department of the Travis County Community Supervision Department plays a key role in the public defense process. Officers of the Pretrial Services Department are responsible for interviewing individuals and gathering the necessary information to decide on the eligibility for appointed counsel. It is important to note that Travis County has established guidelines for determining eligibility, and the decision to appoint counsel is not left to the discretion of the Pretrial Officer. Additionally, these officers are responsible for supervising defendants if they are released on bond conditions with monitoring.

Members of the judiciary and the County and District Attorney's Offices are also associated with the public defense system in Travis County. Although they serve different roles and do not provide defense services, they regularly interact with defense providers and other system stakeholders. Their perspectives offer valuable insights into what is working within the system and where improvement may be needed.

Arguably the most important stakeholders of the public defense system in Travis County are the clients of the providers. These individuals will be directly impacted by the quality and efficacy of the services provided to them by their defense counsel. Their perspectives are important metrics of the overall functioning and effectiveness of the public defense system. As such, client perspective on the successes and challenges they experienced within the system is critical to a well-rounded evaluation.

Public Defense Process

In Travis County, the public defense system has made a deliberate effort to simplify the process of applying for court-appointed counsel to reduce barriers for defendants. Stakeholders also take pride in the county's commitment to appointing counsel as early as possible in the criminal case process. Data from the FY 2024 Indigent Defense Expenditure Report (IDER) shows the scale at which Travis County's indigent defense system operates. In FY 2024, the county paid for 10,728 felony cases and 11,907 misdemeanor cases, while disposing of 9,358 felony and 15,069 misdemeanor cases. This caseload volume underscores the importance of maintaining efficient and accessible appointment processes for individuals seeking court-appointed counsel.

Each application for court appointed counsel starts with an interview with a Pretrial Services Officer. During the interview, defendants are asked about their income as well as the number of dependents they have. The determination of whether the defendant is qualified for appointed counsel is then made if the defendant does not exceed the living wage in Travis County, they currently qualify for one or more government assistance programs, are currently represented by appointed counsel, have not been able to post bond for at least 2 business days, or are currently serving a sentence in a correctional facility.⁶ Defendants can choose not to participate in the interview process; however, they will not be appointed counsel until they do so. If a defendant does not qualify for appointed counsel, the defendant is informed they must retain counsel for their criminal proceedings. Defendants may also seek appointed counsel later in the process by disclosing their income to the presiding judge, who will either make the determination to appoint counsel or refer the defendant back to CCA.

For those defendants who qualify for court appointed counsel, CCA will assign an attorney based on the current criminal charges as well as the history of the defendant. CCA maintains a series of panels or 'wheels' which are lists of qualified and available attorneys for appointment of cases. These include the Misdemeanor Panel, Felony C Panel, Felony B Panel,

⁶ Travis County Criminal Court Judges. Travis County Fair Defense Plan. (2024).

Felony A Panel, and Capital Panel. Each of these panels represents a progression in the level of seriousness of the charges as well as the experience of the attorney to be included on the wheel. Additionally, CCA maintains a Mental Health Panel for those offenders with specific mental health diagnoses. Assignment to CAPDS or the PDO is mostly random. Each office, PDO and CAPDS, has assignment rules for returning clients and other exceptions, however, it is unclear what impact these business processes may have on case distribution. Attorneys, both those with CAPDS and the PDO, can ‘turn themselves off’ of the wheel at any time for any amount of time. Doing so signals to CCA they are unable to take any new appointments. CCA assigns an attorney to the defendant at random with consideration to attorneys who are available to take new appointments.

Travis County has recently adopted a counsel at first appearance (CAFA) policy. In this system, an attorney is provided by OFD, the PDO, or occasionally CAPDS to represent defendants at magistration. For individuals represented by OFD or CAPDS, if they qualify for appointed counsel, they will be assigned an attorney based on who is next available on the appropriate wheel. By contrast, most individuals who qualify and are represented by an attorney with the PDO will remain with that attorney for the duration of their case. Representatives from CCA stated their appointment processes had not changed much since the implementation of CAFA, but it has sped up the appointment process.

Indigent Defense Spending

Over the past four years, Travis County has increased spending on indigent defense services for both CAPDS and the PDO. This increase in spending represents an investment in these services and citizens of Travis County. According to data provided by the Travis County CCA, in FY 2021, Travis County spent \$18,216,339. By FY 2024, that number increased to \$23,647,927.⁷ This represents an approximately 29.82% increase in spending on indigent defense services during this time. Table 2 displays the indigent defense spending in Travis County, by office, by fiscal year for the previous four fiscal years.

Table 2. Travis County Indigent Defense Spending FY 2021 - 2024

	PDO	CAPDS	Total Spending
FY 2021	2,200,480	16,015,859	18,216,339
FY 2022	4,805,981	16,790,192	21,596,173
FY 2023	6,559,254	17,409,766	23,969,020
FY 2024	7,871,202	15,776,725	23,647,927

⁷ It is important to note that this spending only represents the money spent on adult criminal representation and does not cover the spending on juvenile representation or cases represented by a special mental health attorney.

Methods

This evaluation utilized a mixed methods approach to comprehensively assess the public defense system in Travis County. It used primary data collection methods, both surveys and interviews, as well as secondary data analysis of case level court records data from Travis County to support this work. Primary data collection and analysis were used to gather stakeholder and client perspectives on the public defense system, while secondary data collection and analysis were used to evaluate the efficiency and effectiveness of the public defense system. Figure 1 provides a graphical representation of the study methods and timeline.

Figure 1. Timeline of Public Defense Services Study



At the outset of the evaluation, the research team established an advisory committee of stakeholders within Travis County. This advisory committee provided the research team with feedback on the research plan and data collection instruments at critical points throughout the evaluation process and served as a connection to Travis County stakeholders. Members of the advisory committee represented the Office of Community Legal Services, Travis County Criminal Court Administration, Travis County Public Defender's Office, and Capital Area Private Defender Service.

Court Record Data

This evaluation examines a comprehensive set of quantitative outcomes to assess the performance, efficiency, and quality of indigent defense representation in Travis County. The analyses incorporate case- and person-level data for cases with a first disposition between October 1, 2018, and April 25, 2025. The sample was further restricted to include only cases with a case initiation date after 2014. Attorney type was determined using the last attorney appointed prior

to the first disposition.⁸ Cases without an appointed attorney, cases handled by the Mental Health Public Defender, and revocations or adjudications of guilt were excluded to maintain a consistent and comparable set of observations.

Most outcomes are analyzed using appointment year as the primary time marker; however, some outcomes rely on case initiation year or disposition year, depending on which variable best aligns with the measure.⁹ Given that this study relies on several distinct time markers throughout the analysis, Appendix C Table 1 provides a detailed breakdown of each figure or table and identifies the specific time marker it utilizes. Analyses in this report are organized by the date of attorney appointment because it marks the start of representation, aligns with when policy changes and staffing structures took effect, and provides a consistent reference point for comparing cases that began under similar conditions. Because only disposed cases are included in the sample, later appointment periods may underrepresent complex or long-duration cases that were still pending at the time of data extraction.

All outcomes are grouped by attorney type—CAPDS, PDO, and retained counsel—and, where applicable, by case type (felony or misdemeanor) and charge severity (felony levels 1–3 (F1–F3), FS, MA, and MB). This approach allows for a coherent cohort of disposed cases that can highlight system and provider accomplishments and challenges, while recognizing that dispositional data do not capture all the work performed by providers. Finally, these analyses reflect the court system's COVID-19 pandemic recovery period, which may have a greater influence on outcomes observed in earlier years of the study.

The analysis first examines case volume and distribution outcomes to describe the overall scale and structure of public defense. These measures include the total number of unique defendants represented each year by attorney type, the number of cases appointed, and the distribution of cases across felony and misdemeanor classifications. Additional indicators, such as the proportion of cases by detailed charge level (F1–F3, FS, MA, MB), provide insight into the types of cases handled by each provider over time and the relative severity and complexity of their workloads. Together, these variables help establish the context for interpreting differences in attorney caseloads and representation patterns.

Defendant demographics are examined to identify whether attorney type is associated with differences in the populations served. The analysis includes measures of age, gender, and race and ethnicity to describe the composition of clients represented by each provider. These variables provide a baseline understanding of whether certain demographic groups are more likely to be represented by providers, which is important for assessing equity in the appointment process.

⁸ Cases with no listed appointment or no appointment prior to the first disposition were reviewed using the current attorney of record to determine whether the attorney was retained.

⁹ For retained counsel, no formal appointment occurs. For these cases, “appointment year” is based on the date associated with the current attorney of record.

Case processing and efficiency outcomes capture the timeliness and procedural activity associated with different attorney types. The principal measure in this category is the average number of days from appointment to disposition, which reflects the overall speed of case resolution. Related measures include the average number of settings per case, serving as indicators of procedural intensity and attorney engagement, and the number of jury trials handled by each provider annually, which reflects the proportion of cases that proceed to trial and the level of courtroom advocacy across providers. These outcomes assess how efficiently cases progress and whether representation type is associated with longer or shorter case durations or more procedural activity.

Case outcome measures assess how representation type relates to case resolution and sentencing patterns. Disposition outcomes include the proportion of cases resulting in dismissal, acquittal or not guilty verdict, deferred adjudication, probation, conviction, or rejection of charges. These indicators provide a measure of case success across attorney types. Complementing these are sentencing outcomes, which classify the type of sentence imposed—such as prison, state jail, local jail, deferred adjudication, or probation—to reflect the severity of post-disposition consequences for defendants. For each sentence type, the analysis also reports the average sentence length in days, providing insight into whether certain forms of representation are associated with longer or shorter terms of confinement or supervision. Together, these measures illuminate differences in case outcomes, sentencing severity, and punishment length across defense providers.

Pretrial outcomes evaluate defendants' experiences before case resolution, focusing on pretrial detention and release. Measures include whether defendants were detained pretrial, the average number of pretrial jail days, and the proportion of clients released on personal bond. These indicators are essential for understanding early disparities in liberty outcomes and the role that attorney type may play in influencing pretrial decisions.

Client interaction and engagement outcomes provide insight into the quality and responsiveness of attorney-client communication. For CAPDS attorneys, the analysis includes the number of days between appointment and first contact, the type of initial contact, and the average duration of in-person meetings. For the PDO, where staff roles are multidisciplinary, engagement outcomes include the number of case notes or contacts recorded by attorneys, social workers, investigators, and immigration attorneys (sometimes referred to as Padilla counsel). The analysis also examines the number of cases involving each of these roles, as well as the median and mean counts of recorded interactions. These measures highlight how structural differences between the different defense counsel models shape communication practices and holistic client engagement.

Attorney workload and staffing outcomes examine system capacity and the distribution of work across providers. Measures include the number of attorneys appointed or eligible each year, the average appointments per attorney, and the total number of case assignments per provider. These indicators assess workload balance, sustainability, and trends in the growth or contraction of each office's capacity over time.

To assess quality assurance and professional oversight, the analysis also includes disciplinary actions—the percentage of attorneys receiving formal discipline within each provider type. This outcome offers insight into the maintenance of professional standards and accountability within the indigent defense system.

To evaluate the impact of the transition from flat fee to hourly compensation for CAPDS attorneys, which occurred between April 2020 and October 2022, the analysis employs a regression discontinuity in time (RDiT) design. The RDiT framework compares cases appointed immediately before and after each implementation date, allowing the analysis to isolate changes associated with the compensation shift from other time-varying factors. Separate models were estimated for each felony level affected by the reforms (F1, F2, F3, and FS). Outcomes examined include the probability of dismissal, conviction, and rejection, as well as the average number of days from appointment to disposition.

Altogether, these measures provide a multidimensional assessment of public defense delivery in Travis County. By combining case-, and person-level indicators across multiple dimensions—efficiency, cost, workload, and client experience—the evaluation offers a comprehensive view of how representation type and system structure influence both procedural fairness and case outcomes.

Public Defense Spending Data

To estimate the cost per case (CPC) to represent an indigent defendant in Travis County by office, we calculate the number of cases represented by each office per fiscal year between 2021 and 2024. The cost of CAPDS to represent the cases assigned to their office includes the administrative costs, other costs (investigator fee, expert witness expenses, training, etc.) and the voucher fees. Administrative costs cover the salaries of CAPDS staff, including the directors, administrative staff, and support staff such as social workers, court case managers, and financial analysts. Voucher fees represent what attorneys submitted to the county to get reimbursement for their representation. The costs of the PDO office include the salaries of the staff (leadership, attorneys, administrative staff, and support staff) since the PDO attorneys are considered county employees and do not submit vouchers. Both offices provided salaries to all their employees and staff for each of the four years. We received number of disposed cases and voucher data from the county court data system. Hence, the cost estimates used are inclusive of all expenses associated with representing indigent clients for each office.

Stakeholder Interviews

To define the public defense process and identify successes and challenges within the system, the research team utilized a series of stakeholder interviews. Interviews were conducted with county leaders, members of the judiciary, prosecutors and defense attorneys, as well as engaged members of the community. The research team tailored the recruitment strategy for each category of interviewees to maximize the number of individuals able to participate in interviews. To recruit county leaders, the research team relied on members of the advisory committee for their

participation as well as referrals from them to other appropriate county offices, such as the County Attorney's Office, District Attorney's Office, and Pretrial Services. To reach members of the judiciary, the research team was provided with their contact information by the advisory committee and reached out to them directly via email. To represent the views of prosecutors, the research team reached out to supervisors in the County and District Attorney's Offices to participate in an interview.

The research team took a different approach to recruit defense attorneys for participation due to the large number of defense attorneys employed by the PDO and contracted by CAPDS. To recruit specific defense attorneys to participate, the research team constructed a stratum based on years of experience since licensure (1-10 years, 11-20 years, 21-30 years, 31-40 years, 41-50 years and 51 or more years of experience) and randomly selected five attorneys from each stratum to invite to participate in an interview. An additional stratum of support staff was created for the PDO which encompassed investigators, administrative support staff, case workers, and social workers to ensure their representation in the study. The research team also randomly selected five investigators associated with CAPDS and solicited their participation in the study. The research team utilized a select-replace approach for recruitment of defense attorneys and support staff to ensure representation from all strata and the PDO and CAPDS. In addition to attorneys and leadership, the research team also invited the oversight boards for both the PDO and CAPDS to each participate in focus groups to ensure their perspective was included in the evaluation.

Finally, because the public defense system also impacts members of the community, the research team sought to include community advocates in the interview process as well. To target community stakeholders for participation, the research team was connected with individuals who are active in advocacy organizations in Travis County through the advisory committee. To solicit their participation, the research team attended two of their regular meetings, which occurred during business hours, and offered one after-hour option for those members who were unable to attend during the workday. Members of the community who were unable to attend a focus group or schedule an interview were offered the opportunity to email their answers to the interview questions to the research team to ensure their participation and feedback was recorded.

In total, the research team scheduled and completed 42 interviews and focus groups with county leaders, members of the judiciary, prosecutors and defense attorneys, and community stakeholders. The research team made every effort to include as many stakeholders as possible, and halted recruitment of additional stakeholders once saturation occurred, meaning no new information was likely to be obtained through additional interviews. Ultimately, the research team interviewed 14 members of the judiciary, 9 county leaders and staff, 11 individuals affiliated with the PDO, 4 individuals affiliated with CAPDS, and 4 community advocates.

To ensure validity of data collection, the research team employed a structured interview questionnaire with questions tailored to the interviewee's role within the county (see Appendix A for questionnaires). Most of the interviews were

with one stakeholder at a time, however, for some stakeholders, such as Pretrial Services and community advocates, focus groups were used. For each interview, 1-3 research staff attended each interview with a lead interviewer performing the key role of question-asking, while other team members took notes. Each interview or focus group was recorded and transcribed for data analysis. Once interviews were transcribed, the recordings were destroyed.

To analyze the interview data, the research team utilized a directed content analysis framework based upon the ABA Ten Principles of Public Defense Delivery System.¹⁰ This approach provides the research team with a set of guiding principles by which to evaluate Travis County's current system, successes and challenges. In addition, the application of this framework provided for increased rigor and consistency in the qualitative analysis portion of this evaluation as directed coding has inherently increased consistency and replicability. To complete the analysis, the research team began by establishing a series of core concepts, or codes, that would be applied to the interview transcripts. Two members of the research team piloted coding transcripts using the initial codes, and then met to refine the codes, ensure consistency among coding, and add additional codes that emerged from the initial coding. The remaining transcripts were then coded, and the pilot transcripts were recoded to ensure all available codes were applied to the transcripts. All coding and analysis were completed using Dedoose 10.0.59.¹¹

Client Surveys

In addition to the other stakeholders interviewed, the research team sought feedback from clients of the public defense system. To solicit feedback from clients, the research team created an online survey. The research team distributed the survey electronically via Qualtrics to all clients with disposition dates from April 1, 2024 – April 1, 2025.

The research team initially distributed the survey on May 12, 2025, and closed distribution on September 15, 2025. As a part of the survey distribution, weekly reminder emails were sent to participants to complete the survey until it was closed. In total, the survey reached more than 9,000 individuals with a criminal case disposed (and no current active cases) in Travis County between April 2024 and April 2025. In addition to the online survey distribution, the research team conducted onsite surveying at two of the Travis County Community Justice Services Offices. Two research team members spent approximately three days conducting in-person surveying. Their responses were then included in the analysis, totaling 174 survey responses overall.¹² Most of the survey items were analyzed with descriptive quantitative techniques. The research team compared responses across categories and made notes on the findings when the differences were relevant. The open-ended survey questions were analyzed using a content analysis approach.

¹⁰ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023)..

¹¹ SocioCultural Research Consultants, LLC, *Dedoose*, version 10.1.25 (Los Angeles: SocioCultural Research Consultants, LLC, 2024), www.dedoose.com.

¹² Observations indicating a current pending criminal case in Travis County were excluded, as were those that could not be matched to an attorney type.

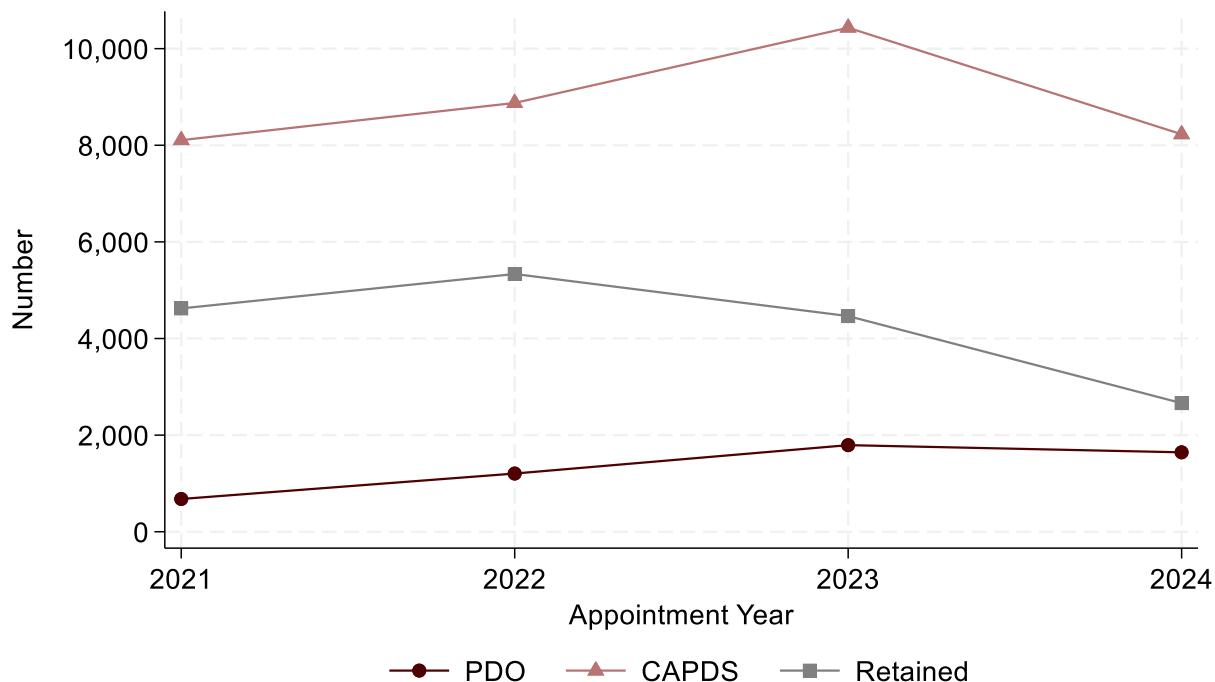
Case-Level Analysis of Public Defense Services

The results below present key findings from the analysis of case-level data across the PDO, CAPDS, and retained counsel. The results show patterns in misdemeanor and felony representation, attorney workload trends, and outcomes of cases across varied time periods. Additional analyses highlight differences in case characteristics, defendant demographics, and court settings to provide a comprehensive view of how defense work is distributed across the three systems and how it may have evolved over time.

Cases by Office Over Time

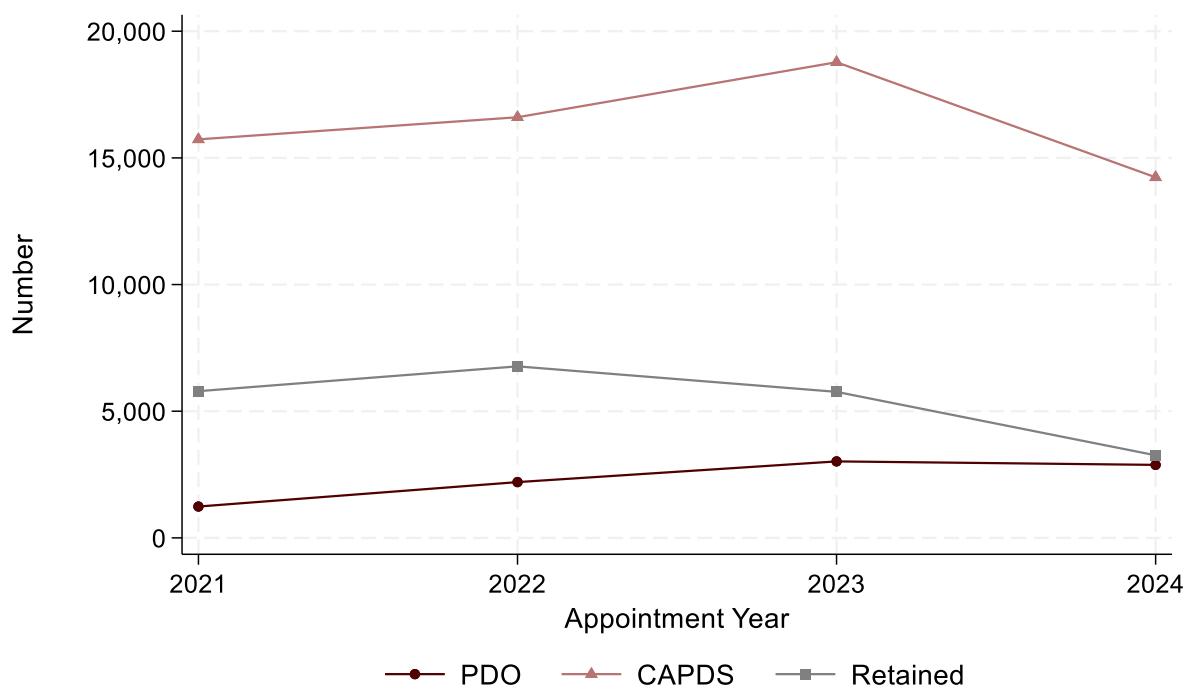
Figure 2 displays the number of people represented by the PDO, CAPDS, and retained counsel disposed prior to May 2025 and assigned or retained between 2021 and 2024. CAPDS consistently represented the largest share of people, reaching a peak of 10,434 in 2023. Retained counsel represented more people than PDO in each year. However, while the total number of people represented varied from year to year, declining from 2023 to 2024, the proportion of people handled by CAPDS and PDO increased slightly relative to the total caseload, and compared to retained counsel which witnessed a decreasing trend since 2022. Overall, CAPDS remains the primary provider of representation, and PDO's role has grown by 142% over this time period.

Figure 2. Number of People Represented by Attorney Type Over Time



The results from Figure 3 show the number of cases by attorney type from 2021 to 2024. CAPDS continue to account for the largest share of appointments each year, followed by retained counsel and the PDO. While the total number of appointments increased through 2023 before declining in 2024, the overall trend mirrors the pattern observed in the previous figure on people represented. This pattern indicates that year-to-year changes in representation largely reflect shifts in the total number rather than differences in how cases were distributed across attorney types.

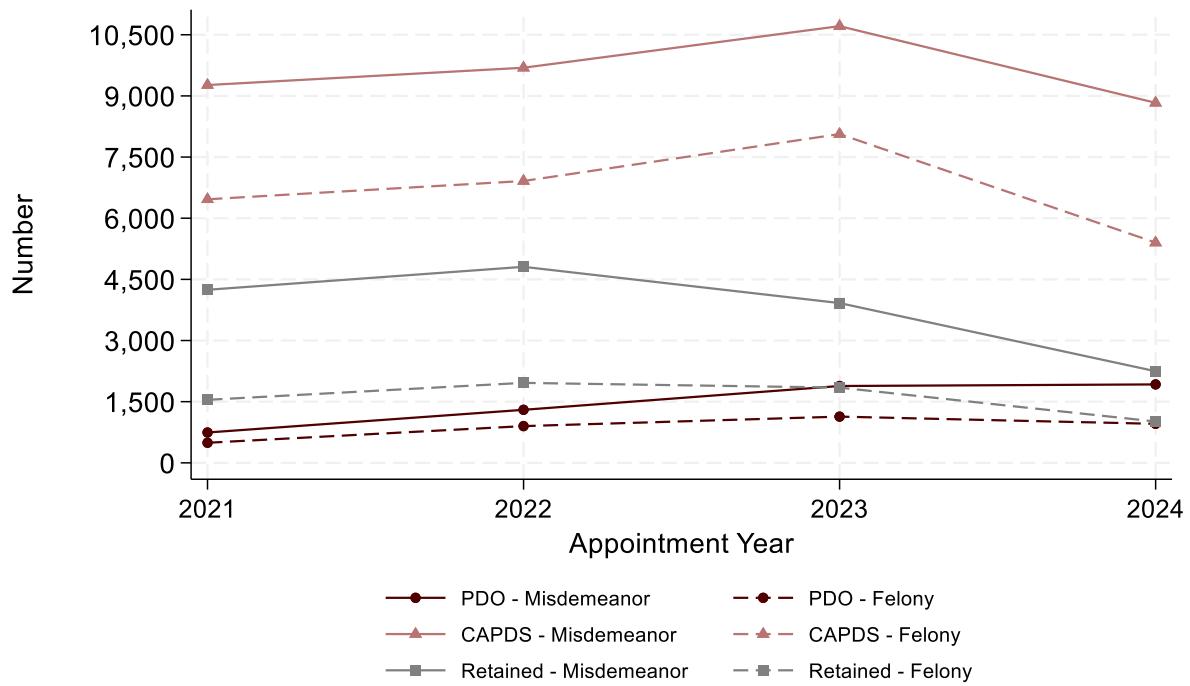
Figure 3. Number of Appointed Cases by Attorney Type Over Time



Examining the number of appointed cases in more detail (Figure 4), between 2021 and 2024, CAPDS handled the majority of both felony and misdemeanor appointments, though the number of cases declined in 2024 after peaking in the previous year. CAPDS managed 8,065 felony cases in 2023, dropping to 5,042 in 2024, while misdemeanor appointments fell from 10,712 to 8,832 over the same time period. The PDO, though smaller in scale, shows the only steady growth pattern in misdemeanor cases across all four years, rising from 744 in 2021 to 1,924 in 2024 (more than doubling during that span). Although there was a slight decrease in PDO felony appointments from 2023 to 2024, the overall upward trend remained consistent. Retained counsel exhibited the sharpest decline, particularly in misdemeanors, where appointed cases dropped by over half from 4,809 in 2022 to 2,247 in 2024 (declining by more than half).

Overall, misdemeanor cases continue to represent a larger share of total appointments across all attorney types, accounting for roughly 60% of all cases. As this pattern follows similar trends to the ones seen in Figure 2 and Figure 3, it suggests that fluctuations in felony and misdemeanor appointments might reflect overall changes in case volumes rather than major shifts in the distribution of case types or attorney assignment practices.

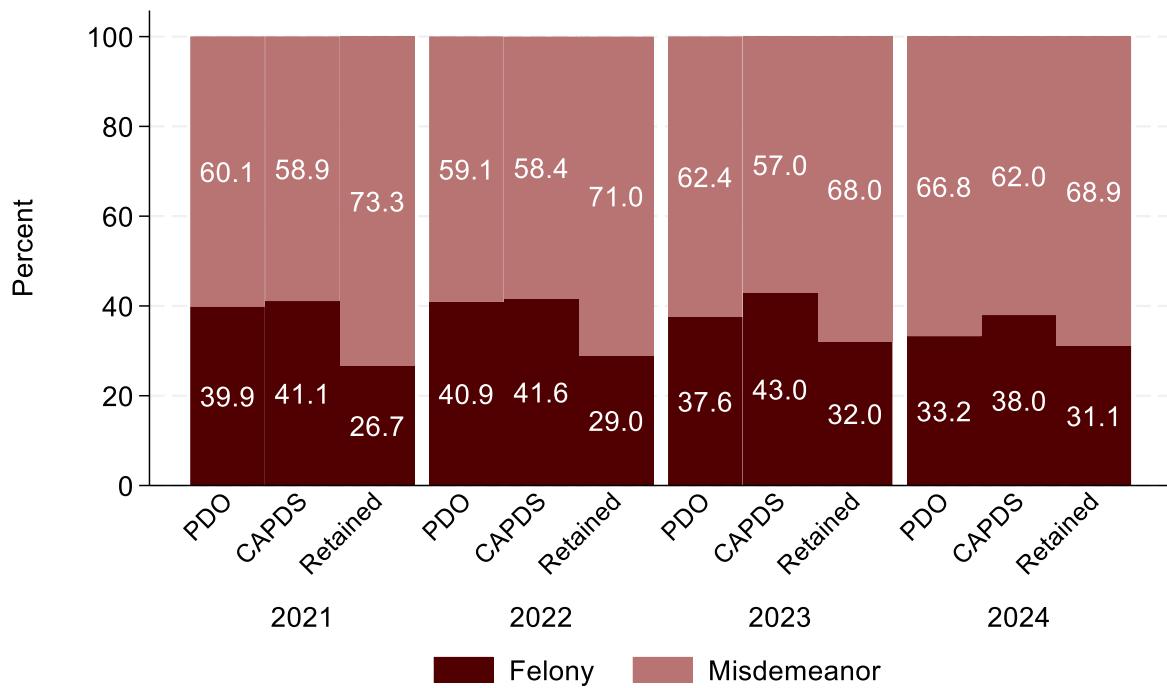
Figure 4. Number of Appointed Cases by Case Type and Attorney Type Over Time



When analyzing the composition of case types within each attorney group shown in Figure 5, misdemeanor cases consistently account for the majority of appointments across all four years. Between 2021 and 2024, misdemeanors made up roughly two-thirds of CAPDS's total caseload, ranging from 57 to 62%. Examining the PDO's caseload, however, it is evident that the share of misdemeanor cases rose gradually from 60% to nearly 67% over the same time period. Retained counsel followed an opposite pattern, with misdemeanors constituting approximately 73% of their total appointments in 2021 and dropping around 69% in 2024.

These measures indicate that, despite year-to-year variation in overall appointment volumes, the balance between felony and misdemeanor cases has remained relatively stable within each attorney type. This reinforces the earlier finding that changes in representation patterns over time are primarily driven by overall fluctuations in caseloads rather than shifts in attorney assignment practices or case-type composition.

Figure 5. Percent of Felony/Misdemeanor Cases Appointed by Attorney Type Over Time



As for the share of cases handled by each attorney type, Figure 6 reveals that CAPDS handle the largest share of both misdemeanor and felony cases, maintaining between 61 to 68% of misdemeanors, and 70 to 76% of felonies each year. The PDO, while starting from a small share in 2021 (around 5 to 6% for each of felony and misdemeanor cases), shows the most consistent and steady growth across the four-year period, reaching nearly 15% misdemeanors and 13% of felonies by 2024. As for retained counsel, their share seems to decline over time. Particularly, in misdemeanor cases, the percentage of cases drops from 30% to 17%. Similarly, while the change in felony cases for retained counsel was modest, it still shows a decline from 18 to 14%. Notably, PDO percentages for felonies and misdemeanors remain very similar throughout the period, highlighting its balanced caseloads across case types. While CAPDS dominance remains stable, the PDO's gradual growth and retained counsel's decline illustrate shifting dynamics in representation over time.

Figure 6. Attorney Type Distribution by Case Type and Appointment Year

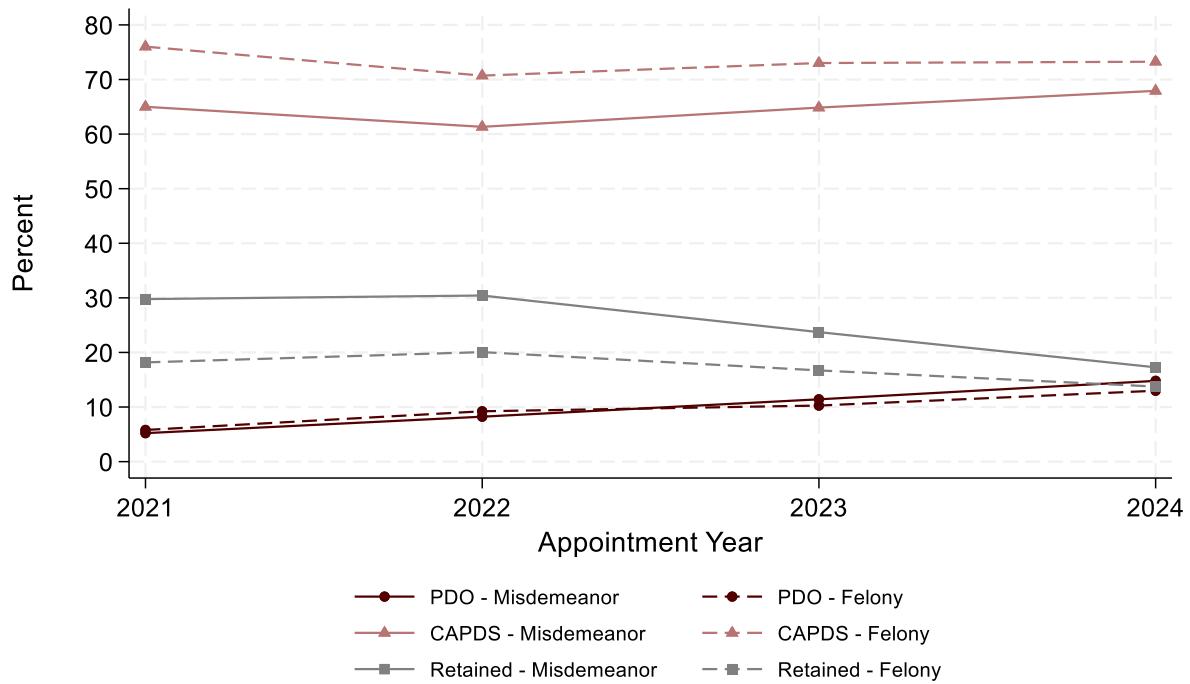


Table 3 details how specific case subtypes are distributed among PDO, CAPDS, and retained counsel from 2021 to 2024. Across all years, CAPDS handles the largest share of cases overall, particularly for felony subtypes F1-F3 and misdemeanor MA, consistently accounting for around 35 to 37% of cases in each category. The PDO, while starting with a smaller caseload and subsequent percentages, exhibits a steady growth in misdemeanor MB cases, rising from 25% in 2021 to 32% in 2024, and shows similar proportions for other subtypes, indicating a balanced caseload for most subtypes.

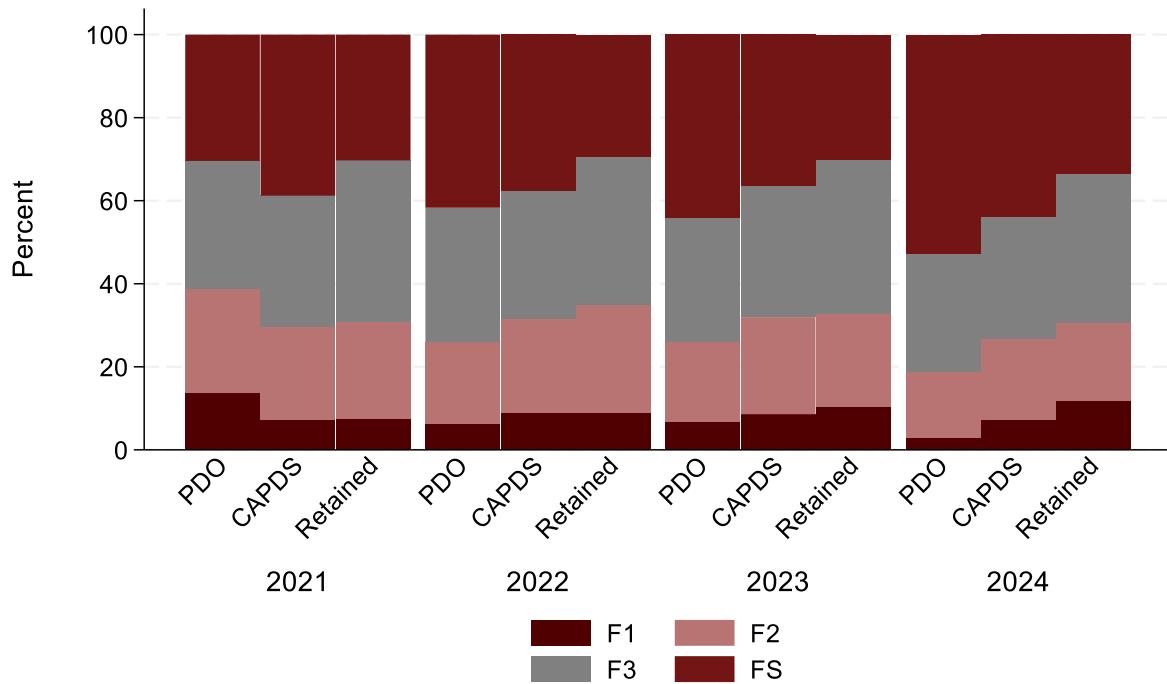
Across 2021-2024, CAPDS consistently represented the largest share of both people and appointed cases, particularly for felony subtypes F1-F3 and more serious misdemeanors (MA), while PDO exhibited steady growth, especially in misdemeanor MB cases. Retained counsel generally decline in both total appointments and share of cases, though they maintained a notable presence in specific misdemeanor subtypes. Misdemeanor cases continued to constitute the majority of appointments across all attorney types, and the balance between felony and misdemeanor cases remained relatively stable within each group. Overall, these findings illustrate a stable pattern in representation. CAPDS remains the primary provider, PDO is slowly expanding its coverage, and retained counsel has declined while continuing to serve specific segments of the caseload. This allows for the examination of how these representation patterns vary across defendant demographics.

Table 3. Row Percentages of Highest Charge Levels by Attorney Type

Year	Attorney Type	Felonies				Misdemeanors		Total (N)
		FX	F1	F2	F3	FS	MA	
2021	PDO	0	5.50	9.94	12.29	12.13	34.76	25.38 1,237
	CAPDS	0.03	3.03	9.12	12.99	15.93	36.52	22.38 15,732
	Retained	0.02	2.00	6.23	10.36	8.08	36.57	36.73 5,791
2022	PDO	0	2.63	7.99	13.25	17.07	35.00	24.06 2,203
	CAPDS	0.04	3.73	9.41	12.82	15.65	35.84	22.52 16,605
	Retained	0.03	2.57	7.53	10.35	8.49	36.43	34.59 6,771
2023	PDO	0	2.58	7.25	11.13	16.59	36.47	25.97 3,019
	CAPDS	0.03	3.68	10.04	13.59	15.61	35.47	21.58 18,777
	Retained	0	3.35	7.11	11.93	9.63	34.76	33.22 5,765
2024	PDO	0	1.01	5.24	9.47	17.52	34.73	32.03 2,882
	CAPDS	0.02	2.79	7.32	11.19	16.63	36.27	25.78 14,233
	Retained	0	3.68	5.83	11.16	10.43	32.29	36.61 3,261

Figure 7 illustrates the distribution of felony charges handled by PDOs, CAPDS, and Retained attorneys from 2021 to 2024. F1 and F2 represent the most severe felonies, while F3 and FS are less severe. PDOs primarily manage F3 and FS felonies, with FS cases increasing notably from 30% in 2021 to 53% in 2024, while the share of F1 felonies declines from 14% to 3% and F2 from 25% to 16%. This indicates PDO caseloads are increasingly concentrated in less severe felony cases over time. CAPDS handle a larger total volume of felonies, with F3 and FS accounting for 31–44% and 37–44%, respectively, and F1 and F2 making up smaller shares (7–9% and 19–23%). However, CAPDS seems to handle a slightly higher proportion of F1 and F2 cases compared to PDO, suggesting that CAPDS manage both high-volume and some higher-severity cases. Retained attorneys show relatively stable distributions, with F3 felonies around 36–38% and FS 30–34%, and F1 and F2 representing smaller shares (8–12% and 19–26%) across the study period. Overall, while PDOs focus mainly on less severe felonies, CAPDS handle higher volumes including a slightly larger proportion of severe felonies.

Figure 7. Distribution of Felony Charges by Attorney Type and Year



As for the distribution of misdemeanors, Figure 8 presents shows that PDOs manage a relatively balanced mix, with MA slightly more common (52–59%) and MB ranging from 41–48%. CAPDS show a similar pattern, but with MA consistently representing a higher proportion (around 58–62%), suggesting that CAPDS handle a larger share of higher-level misdemeanors. Retained attorneys handle MA and MB nearly equally. Across all attorney types, MA misdemeanors dominate slightly over MB, with the difference most pronounced for CAPDS. These patterns indicate that PDOs tend to handle a mix of misdemeanor cases while CAPDS absorb a higher volume of higher-level misdemeanors. Overall, these figures indicate that PDOs in Travis County tend to handle a smaller volume of felonies and misdemeanors, with a growing concentration in less severe felony cases (F3/FS), while CAPDS manage a higher volume of both felony and misdemeanor cases, including proportionally more of the most severe felonies (F1/F2) and misdemeanors (MA). This suggests a division of labor in indigent defense, with CAPDS bearing the bulk of high-volume and higher-severity cases and PDOs focusing more on lower-severity felonies and a balanced misdemeanor caseload.

Figure 8. Distribution of Misdemeanor Charges by Attorney Type and Year

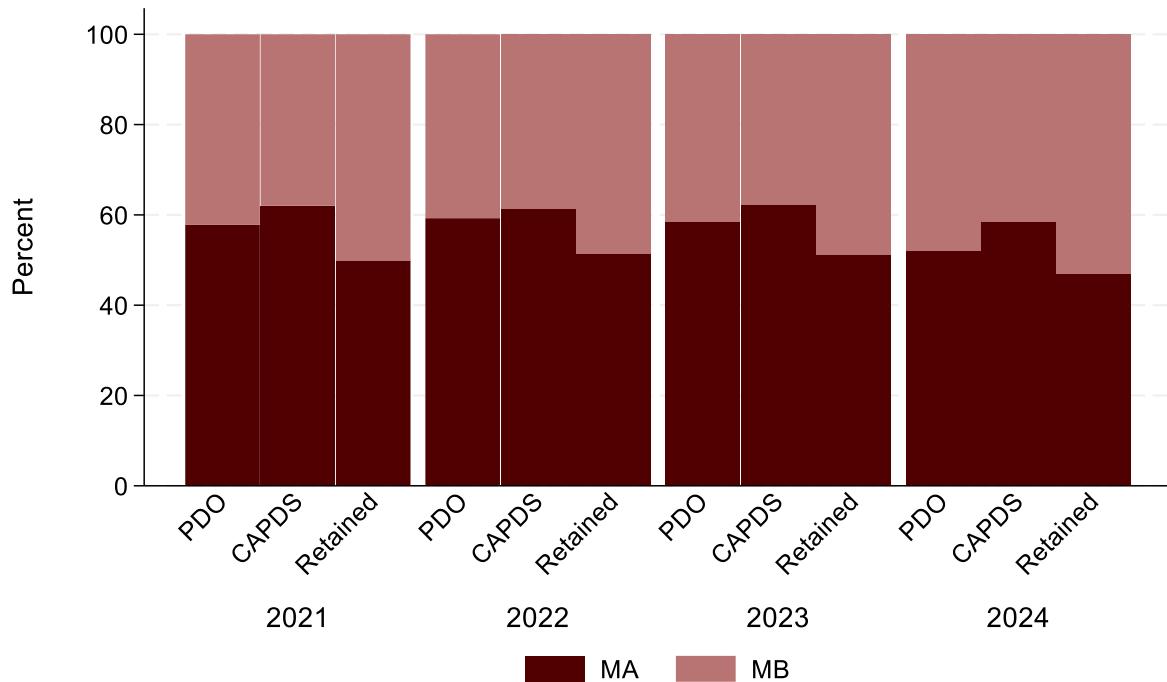


Table 4 presents the distribution of highest charge categories across attorney types from 2021 through 2024. Across all years and charge levels, CAPDS consistently accounts for the majority of appointments, reflecting its central role in handling the county's indigent defense caseload. CAPDS's share typically ranges from approximately 70-80% of felony cases (F1-FS) and about 60-70% of misdemeanors (MA and MB), indicating sustained responsibility for both high-severity and high-volume case types.

The PDO manages a substantially smaller proportion of cases every year, but its percentages remain stable across offense categories, usually falling between 5-12% depending on the charge. PDO does not receive FX-level cases in any year. PDO's representation is most pronounced in FS felonies and MB misdemeanors, where it reaches around 14-16% in 2024, suggesting that its caseload, while limited in size, is distributed across a wide range of offense severities. Retained counsel consistently accounts for a minority of cases, with shares generally between 15-22% of most felony types, and 20-36% for misdemeanors, particularly MB.

Overall, the distribution of cases by highest charge category shows a stable and predictable allocation of cases across the three attorney types. CAPDS shoulders the bulk of both felony and misdemeanor appointments, the PDO participates in a modest but steady portion of the caseload with slightly higher coverage in specific charge types and retained

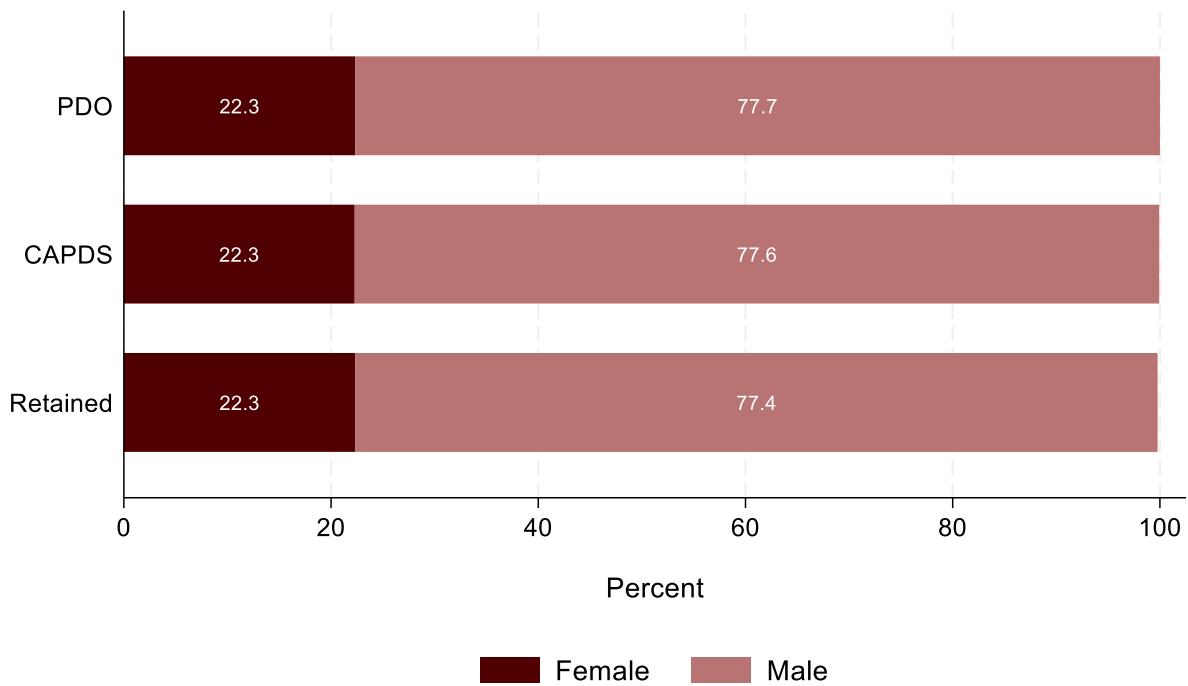
counsel serves a smaller but persistent share. These patterns provide a clear foundation for analyzing differences in outcomes, workloads, and defendant characteristics across representation types in subsequent sections of the report.

Table 4. Percentages of Highest Charge Levels by Attorney Type

Year	Attorney Type	Felonies				Misdemeanors		Total (N)
		FX	F1	F2	F3	FS	MA	
2021	PDO	0	10.30	6.41	5.44	4.80	5.18	5.27
	CAPDS	83.33	72.12	74.78	73.09	80.22	69.28	59.06
	Retained	16.67	17.58	18.81	21.47	14.98	25.54	35.68
Total (N)		6	660	1,919	2,795	3,124	8,294	5,962
2022	PDO	0	6.82	7.83	9.36	10.59	8.39	8.02
	CAPDS	77.78	72.74	69.48	68.18	73.20	64.77	56.56
	Retained	22.22	20.45	22.69	22.46	16.20	26.84	35.43
Total (N)		9	851	2,248	3,121	3,549	9,190	6,611
2023	PDO	0	8.11	8.71	9.40	12.57	11.27	11.61
	CAPDS	100.00	71.83	74.99	71.36	73.51	68.20	60.02
	Retained	0	20.06	16.30	19.24	13.92	20.52	28.37
Total (N)		5	962	2,515	3,576	3,987	9,765	6,751
2024	PDO	0	5.31	10.92	12.24	15.72	13.87	15.59
	CAPDS	100.00	72.71	75.34	71.43	73.69	71.54	63.41
	Retained	0	21.98	13.74	16.32	10.59	14.59	20.64
Total (N)		3	546	1,383	2,230	3,212	7,216	5,786
Total	PDO	0	7.72	8.30	8.98	11.04	9.58	10.16
	CAPDS	86.96	72.31	73.47	70.94	74.99	68.24	59.66
	Retained	13.04	19.97	18.24	20.07	13.97	22.17	30.18
Total (N)		23	3,019	8,065	11,722	13,872	34,465	25,110
								96,276

Across all attorney types, the gender distribution of defendants is nearly identical (Figure 9). Approximately 78% of defendants are male and 22% are female, regardless of whether they are represented by PDO, CAPDS, or retained counsel. These results indicate that attorney type does not vary by defendant gender, and the overall caseload is heavily male dominated which also matches the average gender distribution across other jurisdictions.

Figure 9. Gender Distribution of Defendants by Attorney Type



In Figure 10, the distribution of defendants across age categories is similar for all attorney types. The largest proportion of defendants falls in the 25-34 age range, followed by 33-44 and 14-24, with percentages declining steadily in older age groups. While retained counsel represents slightly more defendants in the 25-34 group in absolute numbers, the overall percentage distribution across age categories is nearly identical for PDO, CAPDS, and retained counsel. This shows that attorney type does not vary meaningfully by defendant age, and most defendants are concentrated in younger adult age groups.

Figure 10. Age Distribution of Defendants by Attorney Type

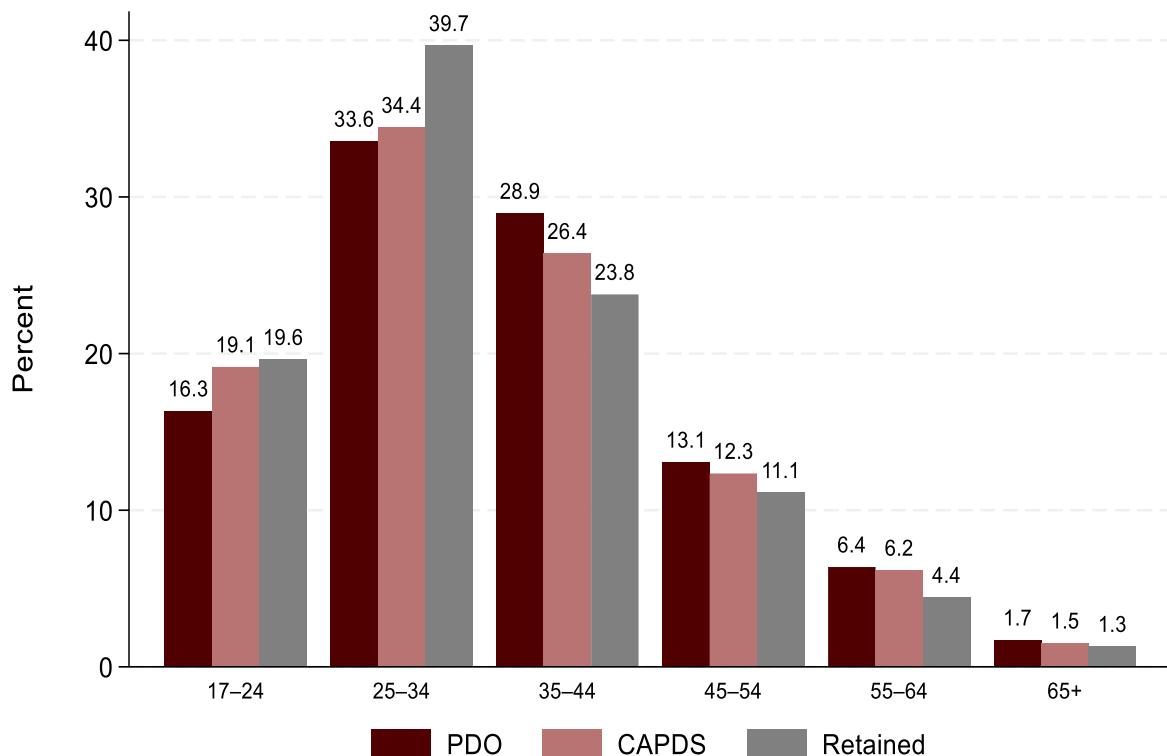
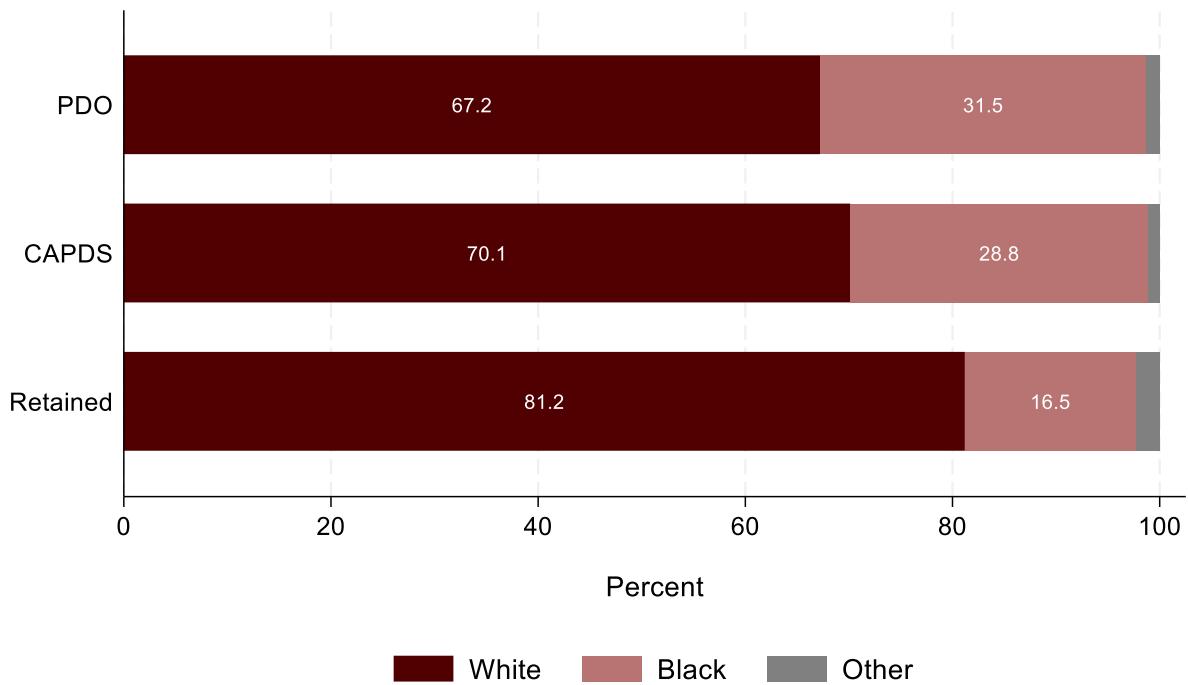


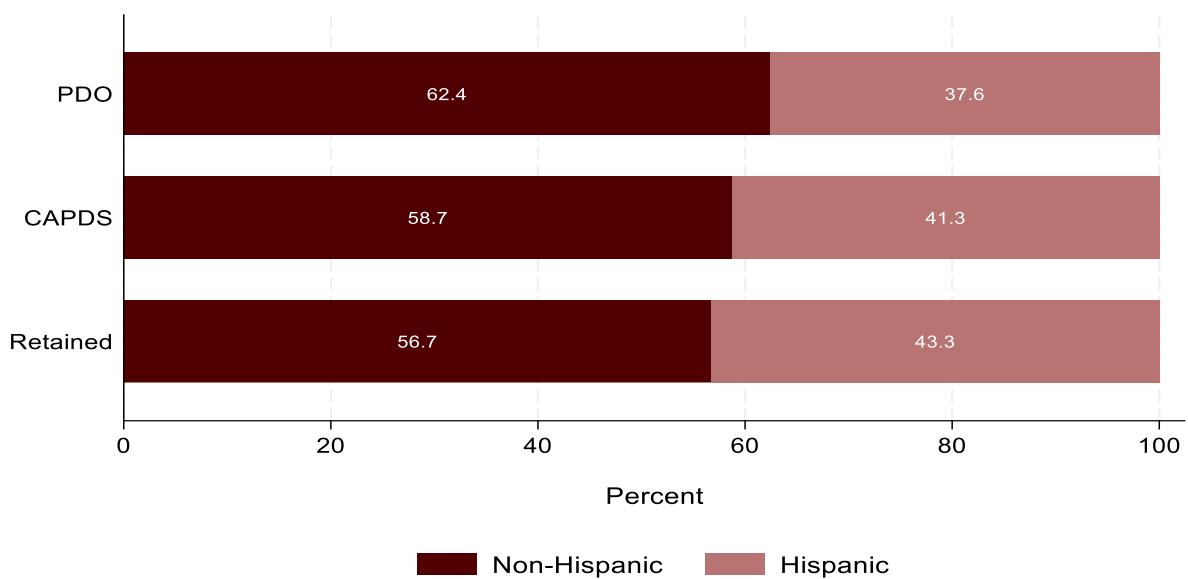
Figure 11 shows the racial distribution of defendants by attorney type. White defendants constitute the majority of the caseload across all attorney types, followed by Black defendants and a small proportion categorized as Other (including Asian/Pacific Islander and American Indian/Alaska Native). PDOs have approximately 67% White, 31% Black, and 1% Other defendants, while CAPDS handle roughly 70% White, 29% Black, and 1% Other, indicating very similar racial distributions between the two public provider types. Retained counsel, in contrast, serves a larger share of White defendants (81%) and a smaller share of Black defendants (17%) compared to PDO and CAPDS, with around 2% categorized as Other. Overall, racial distribution is largely consistent across public providers, while retained counsel disproportionately represents White defendants relative to the other attorney types.

Figure 11. Race Distribution of Defendants by Attorney Type



Based on the distribution of defendants by ethnicity across attorney types shown in Figure 12, non-Hispanic defendants make up the majority of the caseload (around 56-63%), while Hispanic defendants constitute roughly 37-43%. The distribution is largely similar across attorney types, with PDO representing a slightly higher share of non-Hispanic defendants and retained counsel representing a slightly higher share of Hispanic defendants. Overall, there are no substantial differences in representation by ethnicity.

Figure 12. Ethnicity Distribution of Defendants by Attorney Type

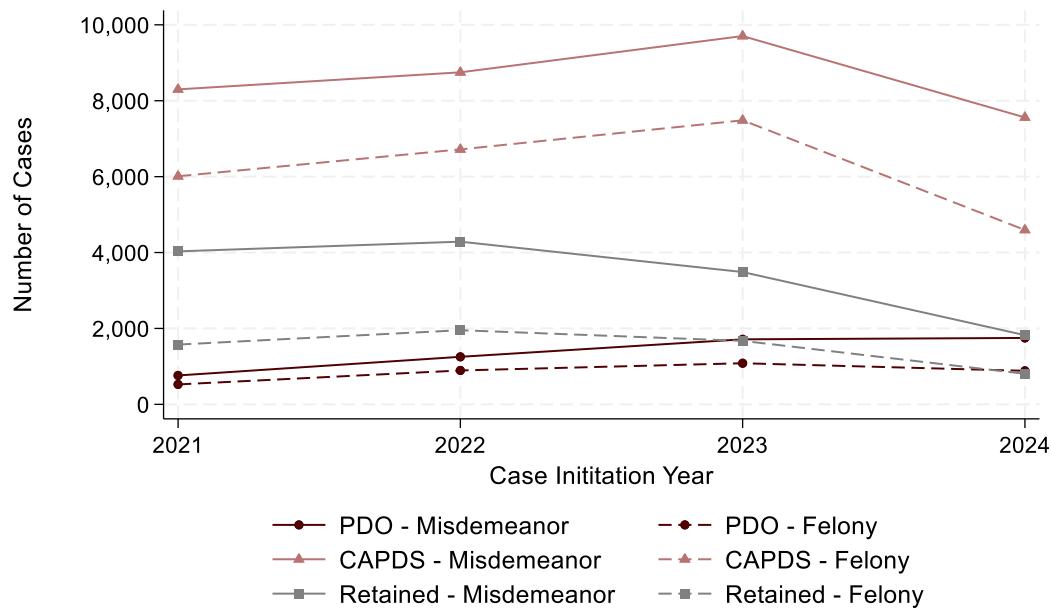


Across the demographics, including gender, age, race, and ethnicity, defendant representation is generally consistent across attorney types. Most defendants are male and concentrated in the 25-34 age range, with proportions declining steadily in older age groups. White and non-Hispanic defendants constitute the majority of the caseload, with Black, Hispanic, and other racial/ethnic groups representing smaller shares. While retained counsel has a slightly higher proportion of White and Hispanic defendants, and PDO slightly higher proportion of non-Hispanic defendants, these differences are modest. Overall, defendant demographics do not vary substantially by attorney types, suggesting that public and retained providers serve largely similar populations, with only minor differences by race and ethnicity.

New Cases and Cases Disposed

Figure 13 displays the trends of misdemeanor and felony cases initiated¹³ between 2021 and 2024 by attorney type. CAPDS consistently handled the largest volume of new cases across all years and case types, reflecting its continued role as the primary provider of representation. While CAPDS number of initiated cases rose steadily through 2023, both misdemeanor and felony case initiations declined in 2024, from 9,705 to 7,560 for misdemeanors and 7,485 to 4,596 for felonies. The PDO shows a steady upward trend in misdemeanor initiations across the four years and a similar pattern for felonies until a slight decline in 2024. Retained counsel experienced the sharpest overall decrease. Particularly, after 2022, both felony and misdemeanor case initiations fell by more than half by 2024.

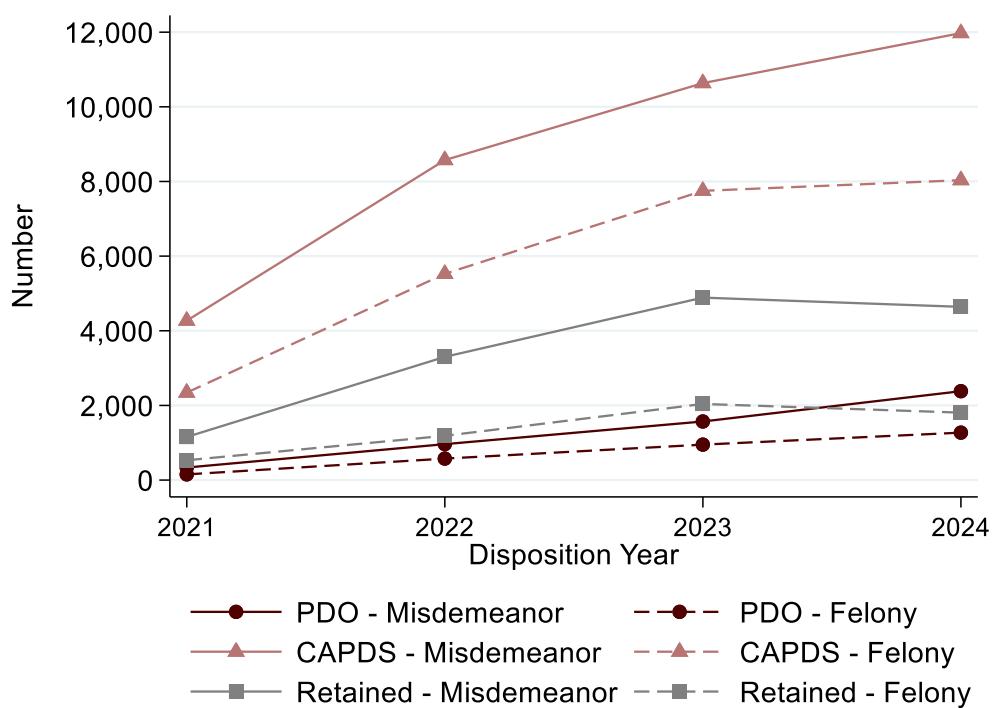
Figure 13. Number of Cases Initiated by Year



¹³ Cases initiated refer to the number of new criminal cases that begin (or are opened) within a given period, in this case, between 2021 and 2024. These are typically marked by the filing of charges.

The number of cases disposed increased substantially between 2021 and 2024 for both misdemeanors and felonies. CAPDS handled most disposals throughout the period, reflecting its continued role as the primary provider of indigent defense. Dispositions in 2021 were relatively low across all groups, which largely reflects the systemwide slowdown and recovery period following COVID-19 that reduced case processing and delayed dispositions. Beginning in 2022, PDO disposals increased each year, reaching 2,382 misdemeanors and 1,271 felonies by 2024. Retained counsel also saw increases through 2023 (4,888 misdemeanors and 2,041 felonies), followed by a decline in 2024. Notably, in felony cases, PDO and Retained counsel nearly converged in the number of disposals by 2024, indicating PDO's expanding share of resolved cases.

Figure 14. Number of Cases Disposed by Year



Overall, the trends in case initiations and dispositions highlight the persistent dominance of CAPDS as the primary provider of representation, with the highest volumes of both new and disposed cases across all years and case types. The PDO exhibits steady growth in both appointments and case resolutions, particularly for misdemeanors, while Retained counsel's share of new cases and dispositions has declined after peaking around 2022-2023. Importantly, while PDO surpassed retained counsel in the number of new cases initiated by 2024, retained counsel continued to dispose of more cases, indicating a possible lag between case initiation and resolution. These patterns underscore a stable distribution of workload, with CAPDS carrying the heaviest caseload, PDO expanding its role, and retained counsel maintaining a declining but still substantial role in case processing.

Attorney-Client Interactions

This section examines attorney-client interaction measures, focusing primarily on CAPDS and the PDO. The data for CAPDS comes from a sample of court records, capturing indicators such as the timing and mode of initial contact and the average duration of in-person meetings. In contrast, PDO data are drawn from the internal Case Management Database, reflecting team-specific engagement through attorneys, social workers, and investigator interactions. Together, these measures provide insight into the quality and responsiveness of representation beyond caseload numbers, while acknowledging that the two datasets originate from distinct sources.

The average number of days between appointment and initial client contact among CAPDS attorneys, shown in Figure 15, remained relatively stable from 2021 through 2023, fluctuating around 3.5 days. In 2024, however, this average dropped sharply to less than two days, indicating a substantial improvement in the timeliness of client contact following appointment. Overall, this data suggests a positive trend toward faster engagement between appointed counsel and clients in recent years.

Figure 15. Average Days from Appointment to Initial Contact (CAPDS)

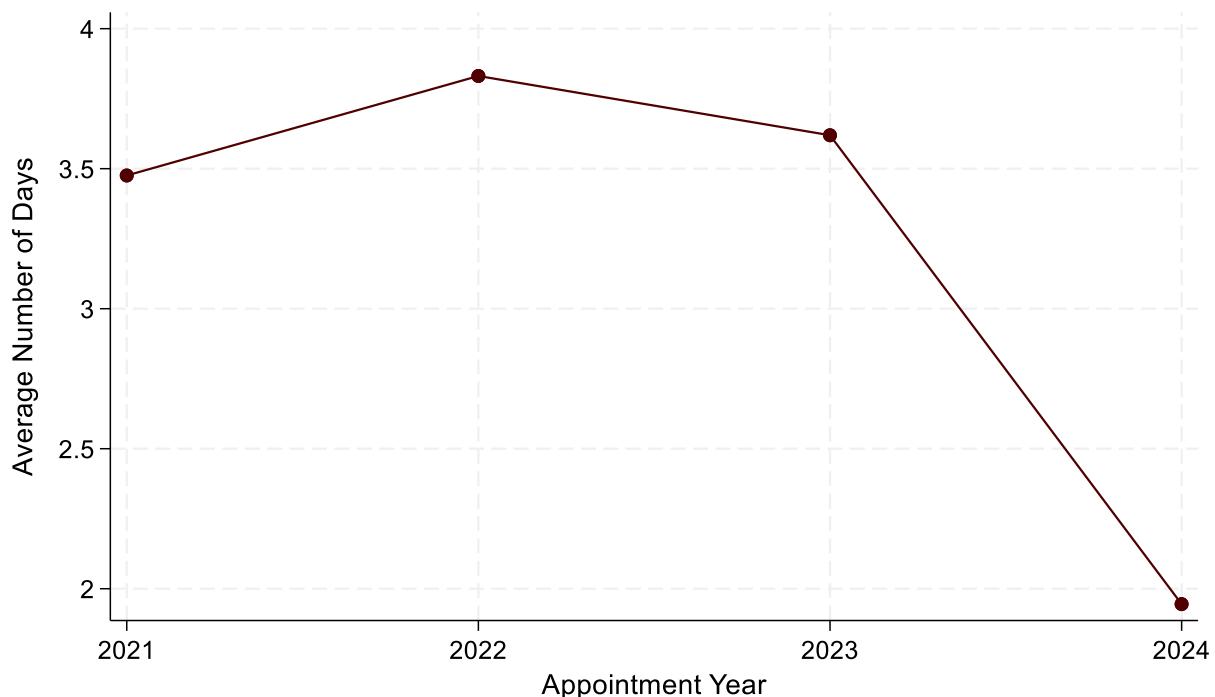
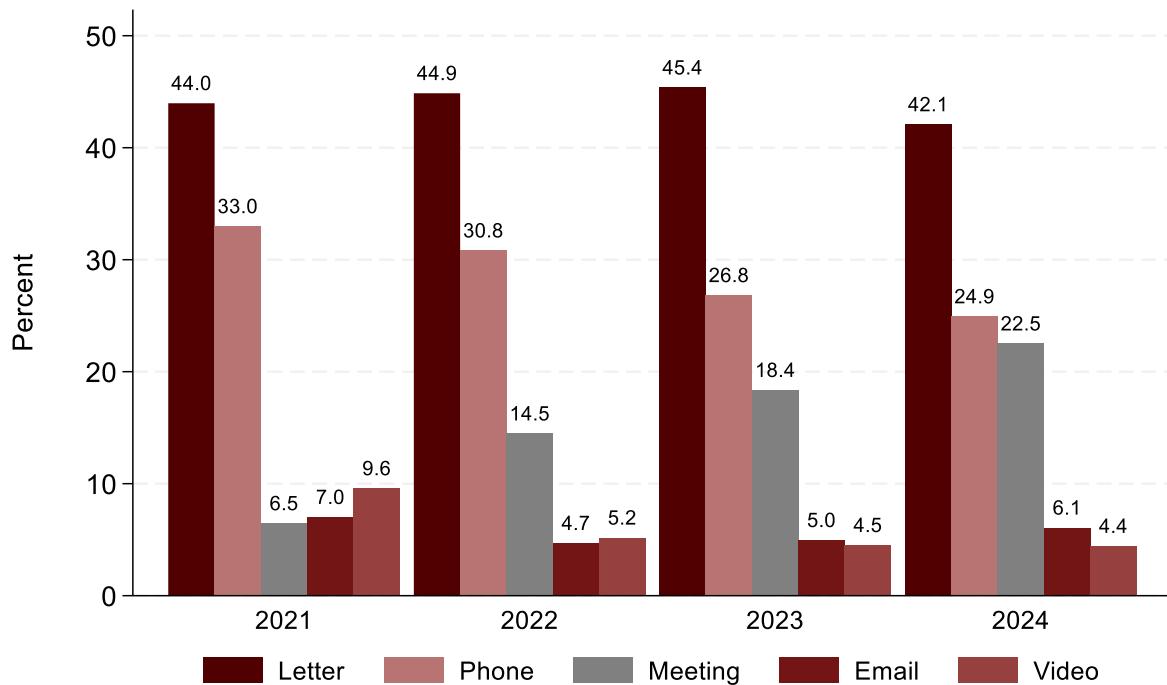


Figure 16 shows the percentage of the type of initial contact by year. Over all years, letters and phone calls were the most common methods of initial contact, together accounting for at least 70% of all contacts annually. Letters remained the dominant contact type, accounting for roughly 44% of all initial contacts across the four-year period, with a slight decline from 46% in 2023 to 42% in 2024. Phone contact, however, declined more sharply, dropping from one-third

of contacts in 2021 (33%) to just under 25% in 2024. In contrast, in-person meetings grew substantially from 6% in 2021 to over 22% in 2024, indicating a notable shift toward direct client engagement. Email and video contact remained less common, each comprising around 5 to 7% of contacts overall. These trends suggest that while CAPDS attorneys have favored the letter method of initial contact, they have increasingly prioritized face-to-face communication with clients.

Figure 16. Initial Contact Type by Year (CAPDS)



Referring to Figure 17, the average duration of face-to-face meetings between CAPDS attorneys and clients has steadily increased over time, rising from about 6 minutes in 2021 to nearly 9 in 2024. This upward trend suggests a growing emphasis on the quality and depth of attorney-client interactions. Combined with earlier findings showing a shorter initial average time to initial contact and a rise in in-person meetings, this pattern indicates that CAPDS attorneys are engaging more promptly and meaningfully with their clients over the four-year period.

While the preceding figures focused on client interaction patterns within CAPDS, it is also important to examine how the PDO engages with clients through its multidisciplinary model. Unlike CAPDS, which contracts primarily with private defense attorneys, the PDO employs in-house attorneys, social workers, investigators, and immigration specialists. Evaluating the PDO's internal client interaction data provides complementary insight into how representation is delivered and supported through different professional roles.

According to the PDO Internal Data from the Case Management Database, PDO advocates document their casework, including client communications, investigative activities, and social service coordination, with an internal case management database that logs all notes and interactions. Of the 9,791 charges disposed of between 2021 and 2025, the PDO represented a total of 5,038 unique clients, providing a substantial dataset to assess engagement across staff roles.

Figure 17. Average Length of Face-to-Face Meeting by Year (CAPDS)

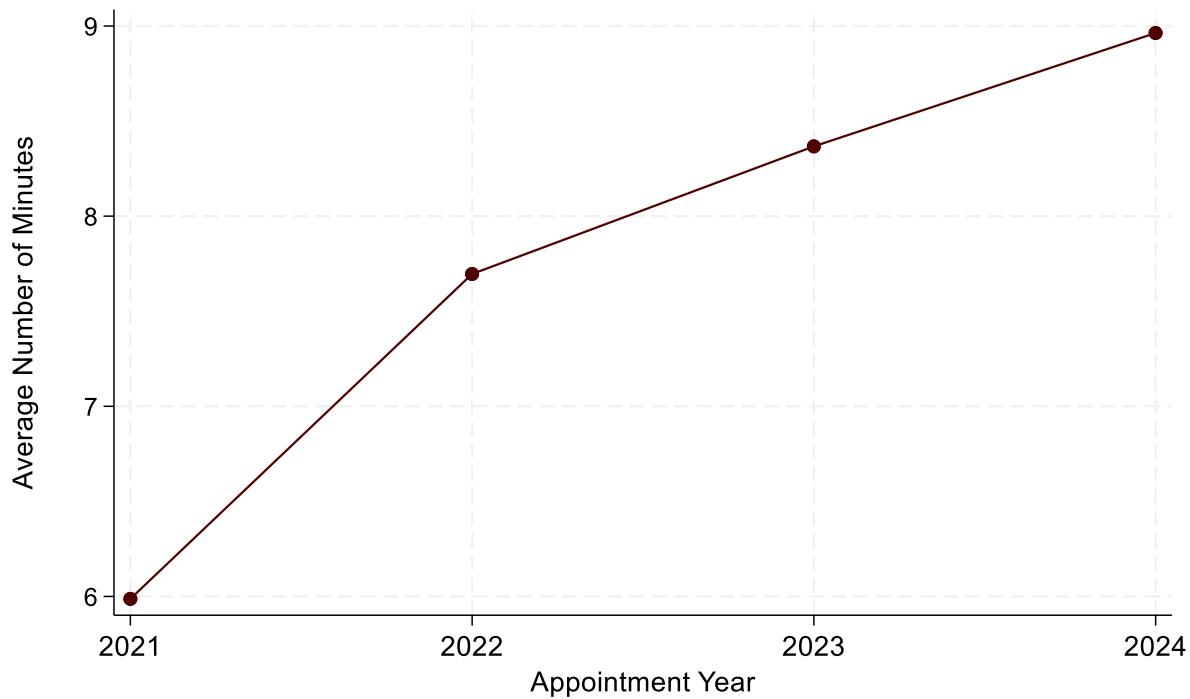


Table 5 summarizes client interaction activity among PDO staff. Attorneys recorded the largest number of notes, over 103,000 across nearly 9,800 cases, with an average of 11 notes per case (median 6) ranging from 1 to 235 notes. Social workers also show intensive engagement, recording over 27,000 notes across 2,700 cases, averaging 12 per case with a median of 8, ranging from 1 to 62 notes. Investigators and Immigration (Padilla) attorneys recorded fewer interactions overall, averaging 5 and 2 notes per case, respectively. While Investigator notes ranged from 1 to 62 notes, Padilla immigration attorney notes ranged from 1 to 26.

This suggests that PDO client engagement is primarily attorney-driven but strongly supported by specialized staff. Social workers and investigators demonstrate meaningful involvement in complex or high-needs cases, while immigration attorneys provide targeted consultation to non-U.S. citizen clients in compliance with PDO's Padilla policy.

Table 5. PDO Client Interaction¹⁴

Role	# Notes Recorded	Median	Average	Min	Max	# Cases
Attorney	103,245	6	11	1	235	9,791
Social Worker	27,201	8	12	1	62	2,707
Investigator	6,618	3	5	1	62	1,923
Immigration Attorney (Padilla)	1,406	2	2	1	26	875

Taken together, the CAPDS and PDO findings highlight two distinct yet complementary models of public defense delivery. CAPDS data show improvement in early and more substantive client contact, with increasing reliance on in-person meetings and longer interactions over time, indicating progress toward stronger attorney-client relationships. PDO data, however, reveal a broader, team-based approach where attorneys, social workers, and investigators (as well as Padilla attorneys) play active roles in client engagement. These patterns underscore ongoing efforts across both systems to enhance communication, responsiveness, and holistic representation in indigent defense services.

Time to Disposition

To assess system efficiency, time from appointment to case disposition is examined. Across all years, retained counsel has the longest average time from appointment to disposition, a pattern visible in Figure 18 and reinforced by the detailed breakdown in Table 6. In 2021, for example, retained-counsel cases took an average of about 412 days to reach disposition overall, while CAPDS and PDO cases averaged roughly 299 and 311 days. The table shows that this pattern holds for both misdemeanors and felonies: misdemeanor cases represented by retained counsel averaged 421.4 days in 2021 compared with 282.7 days for CAPDS and 274.8 days for PDO, and felony cases averaged 387.4 days for retained counsel, 321.5 days for CAPDS, and 366.1 days for PDO. All attorney types experience substantial declines in disposition times over the four-year period. By 2024, misdemeanor and felony averages had fallen to 136.9 and 187.9 days for retained counsel, 94.9 and 156.4 days for CAPDS, and 107.8 and 172.0 days for PDO.

These trends may signal improved case-processing efficiency, though the persistently high caseloads for CAPDS and the steady growth in PDO appointments suggest that faster resolutions could also reflect pressures associated with heavier workloads, potentially constraining the time available for in-depth representation. However, interpretation of time-to-disposition trends should be made with caution. Because the dataset includes only disposed cases, later years

¹⁴ PDO data are drawn from the internal Case Management Database

contain fewer long-duration cases that were still pending at the time of extraction. This truncation of the right tail can artificially reduce the average disposition time in more recent years.

Figure 18. Average Days from Appointment to First Disposition

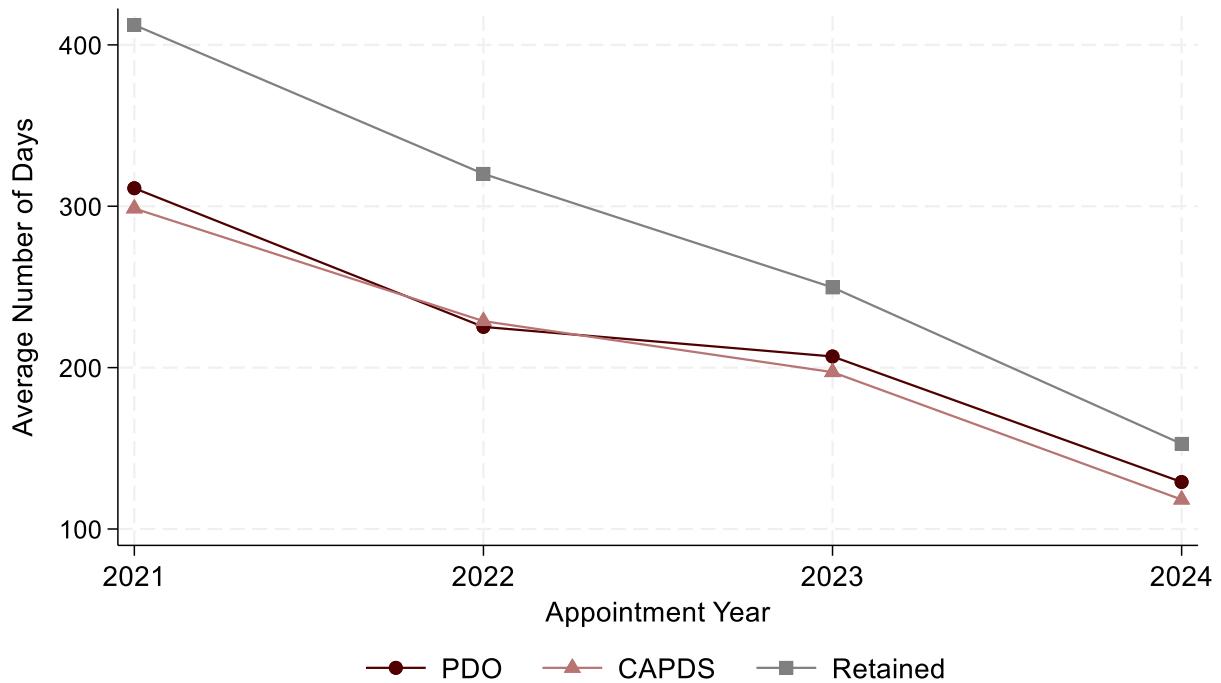


Table 6. Average Days from Appointment to First Disposition by Charge Type

Year	Attorney Type	Charge Type		Total (N)
		Misdemeanors	Felonies	
2021	PDO	274.8	366.1	1,237
	CAPDS	282.7	321.5	15,732
	Retained	421.4	387.4	5,791
2022	PDO	201.6	259.3	2,203
	CAPDS	207.3	259.1	16,605
	Retained	325.2	307.4	6,771
2023	PDO	185.2	243.0	3,019
	CAPDS	173.3	229.0	18,777
	Retained	243.5	262.9	5,765
2024	PDO	107.8	172.0	2,882
	CAPDS	94.9	156.4	14,233
	Retained	136.9	187.9	3,261

Pretrial Jail Days

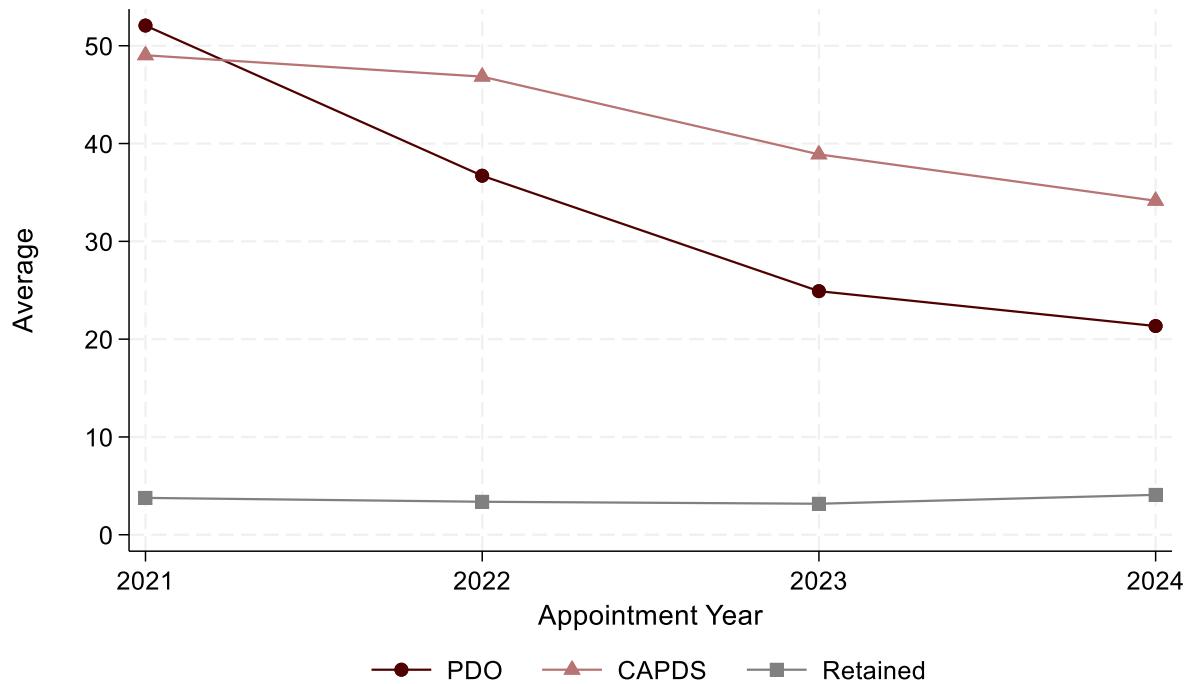
Calculation of pre-trial jail days began with the cause-level sample data. Because some individuals had multiple causes and multiple first dispositions associated with a single attorney appointment date, the data was collapsed so that there was only one cause per defendant per appointment date. When more than one first disposition date was tied to the same appointment date, the cause with the latest first disposition date was kept. This ensured that the case window captured the full span of pre-trial activity tied to that appointment. Next, the booking data was aligned with these cause windows. All bookings for individuals in the cause sample were available and collapsed to the person/booking date level. Bookings that occurred between the attorney appointment date and the first disposition date were identified for each cause. For those qualifying bookings, the total number of pre-trial jail days were summed. That total was assigned as the measure of pre-trial jail days for the corresponding cause. This logic captures the jail experience that is attributable to the pre-trial phase of each cause and ties it directly to the attorney who was appointed, while avoiding double-counting across cases and ensuring comparability across attorney types.

In addition, a variable was created to indicate whether an individual received at least one personal recognizance (PR) bond during the pre-trial period associated with a given cause. Using the same appointment-to-disposition window

described above, each person's bookings were reviewed to determine if any included a PR bond. If a PR bond was present for at least one qualifying booking, the cause-level record was coded accordingly. These variable captures whether the defendant experienced pre-trial release on a PR bond during the attorney's appointment window.

Examining the average pretrial jail days, Figure 19 reveals a clear divergent pattern between public and retained counsel. PDO- and CAPDS-represented defendants spend substantially more time in pretrial detention than those represented by retained counsel, with PDO clients averaging 52 days in 2021 and CAPDS averaging 49 days, compared with roughly 4 days for retained clients. Over time, pretrial jail days decreased for all public attorney types with PDO clients averaging 21 days and CAPDS 34 days by 2024, while retained clients remained low at approximately 4 days. These patterns indicate that defendants represented by CAPDS and PDO tend to experience longer pretrial detention than those with retained counsel. This could reflect case complexity, systemic delays, or factors related to attorney practice. Overall, pretrial durations decreased for cases represented by PDO or CAPDS attorneys, whereas those of retained counsel remained consistently low.

Figure 19. Average Pretrial Jail Days



The average pretrial jail days by attorney type across the demographic characteristics, including race, age, gender, and ethnicity, from 2021 to 2024 are presented in Appendix G. The data reveals substantial differences in pretrial detention

patterns: PDO and CAPDS clients generally experience longer pretrial stays than Retained clients, with Black defendants consistently facing longer durations, particularly under PDO representation. Younger defendants (ages 17–34) tend to have longer pretrial stays compared to older age groups across all attorney types, while male defendants experience longer detention than female defendants. Differences by ethnicity show that Hispanic and Non-Hispanic defendants have comparable pretrial lengths on average, though slight variations exist by attorney type (see Appendix G Table 1 through Table 4).

Additionally, Table 1 in Appendix H summarizes the average number of pretrial jail days by charge severity (from the most serious FX and F1 offenses to lower-level misdemeanors), broken down by attorney type. Across all charge levels, CAPDS clients consistently exhibit the longest average pretrial detention, particularly in felony categories, while Retained clients showing the shortest detention times. PDO clients fall between the two but closer to CAPDS for higher-level felonies. As charge severity decreases, the average pretrial detention decreases across all attorney types, with Retained clients rarely spending more than a few days in jail even for mid-level felonies. Overall, Appendix H highlights substantial disparities in pretrial detention length tied both to charge seriousness and type of legal representation. Overall, these tables highlight how attorney type and demographic factors are associated with pretrial detention outcomes over time.

While jail days capture the length of time individuals remain in custody, it is also important to understand whether individuals are detained at all. Pretrial detention in this analysis is defined as being booked at any point between the attorney appointment date and the first disposition date tied to that appointment. Pretrial detention varies significantly by attorney type (see Table 7). PDO clients are detained at the highest rate (79.2%), followed by CAPDS clients (73.7%). In contrast, only 18.3% of clients represented by retained counsel are held in pretrial detention. These reveal that indigent clients represented by PDO or CAPDS are substantially more likely to experience pretrial detention compared to those with alternative representation, underscoring disparities that may reflect differences in client socioeconomic status, case characteristics, or judicial decision-making.¹⁵

Table 7. Pretrial Detention Status by Attorney Type

Attorney Type	Not Detained (%)	Detained (%)	Total Appointments (N)
PDO	20.80	79.20	5,342
CAPDS	26.28	73.72	70,446
Retained	81.71	18.29	31,898

¹⁵ For retained counsel, “appointment date” is based on the date associated with the current attorney of record. Because this date may reflect when the attorney information was entered rather than when representation actually began, it may appear later in the case timeline. As a result, pre-trial jail days and detention for retained counsel may be understated relative to other attorney types.

Table 1 in Appendix I presents the percentage of defendants detained pretrial by charge type and attorney type. The results show a clear pattern where detention rates are highest for the most serious felony offenses across all attorney types, with FX and F1 cases exceeding 90% detained. CAPDS and PDO clients have similarly high detention rates for all felony categories, while Retained clients have lower detention rates overall. For misdemeanors, detention rates drop substantially, but Retained clients remain the least likely to be detained. Overall, Appendix I demonstrates strong associations between attorney type, charge severity, and the likelihood of being held pretrial, with retained counsel linked to significantly lower detention rates.

Building on the analysis of who was detained pretrial, we next examine release opportunities during those detention periods. Shown in Table 8 among PDO clients, 55.8% received at least one PR bond during the pretrial period, compared to 33.0% of clients represented by CAPDS attorneys and 58.2% of those represented by retained counsel. Overall, 36.9% of all defendants in the sample received at least one PR bond between appointment and disposition. These differences suggest that attorney type may be associated with variations in pretrial release outcomes, with PDO and retained clients more frequently obtaining PR bonds than those represented through CAPDS.

Table 8. Pretrial Release Occurrence by Attorney Type

Attorney Type	No PR (%)	At Least 1 PR (%)	Total People (N)
PDO	44.16	55.84	4,158
CAPDS	66.95	33.05	50,820
Retained	41.80	58.20	5,619

Appendix J reports the percentage of defendants who received at least one personal recognizance (PR) bond, again by charge severity and attorney type (see Table 1). The patterns show the inverse of pretrial detention rates: Retained clients are consistently the most likely to receive a PR bond across nearly all charge levels, with over 58% receiving at least one PR bond overall. PDO clients also receive PR bonds at relatively high rates, typically over 50% for most felony categories, while CAPDS defendants receive PR bonds far less frequently, often half the rate of PDO and Retained clients for similar charges. Even at the misdemeanor level, CAPDS clients receive PR bonds at significantly lower rates than the other groups.

Together, these findings illustrate two complementary aspects of the representation process. While PDO and CAPDS attorneys manage larger caseloads, which corresponds with longer pretrial detention, they reach case disposition more quickly on average than those with retained counsel. This faster disposition could indicate increased efficiency or potentially reflect pressure to move cases quickly due to high caseloads. Over the 2021-2024 period, both pretrial jail

days and time to disposition declined for PDO and CAPDS, demonstrating improved responsiveness. Retained counsel maintain consistently minimal pretrial detention and slightly longer times to disposition, reflecting differences in caseload and case assignment practices. Overall, these findings highlight the balance between timeliness and client outcomes in evaluating attorney performance and systemic efficiency, while acknowledging that faster disposition does not automatically insinuate higher quality representation.

Use of Investigators, Alternative Disposition Specialists, and Defense Experts

As PDO and CAPDS also rely on additional functions such as expert witnesses, investigators, and social workers to support case preparation and client representation, this section examines how these resources are utilized. For CAPDS, the analysis focuses on trends over time in the engagement of expert witnesses, investigators, and social workers, including associated costs for expert and investigative services. For PDO, data shows the frequency and distribution of investigator, social worker, and immigration attorney involvement across cases. Together, these measures provide insight into how PDOs leverage supplemental resources to enhance case quality, manage complex caseloads, and address the diverse needs of clients.

Figure 20 illustrates the percentage of CAPDS cases utilizing expert witnesses, investigators, and social workers from 2021 to 2024. Investigator use remains the most common supplemental resource, engaged in roughly 2-3% of cases each year with a slight decline from 2.8% in 2021 and 2022 to 1.8% in 2024. Social worker involvement shows a clear upward trend, increasing from 0.4% of cases in 2021 to 2.7% in 2024, suggesting growing reliance on social worker use for client support. In contrast, expert witness use is consistently low, declining modestly from 0.6% in 2021 to 0.3% in 2024. Overall, while investigators continue to be the most commonly engaged resource across all four years, the increasing utilization of social workers indicates a gradual shift in CAPDS toward broader, possibly multidisciplinary support for cases, whereas expert witness use remains rare.

Costs (in nominal value) associated with CAPDS engagement of expert witnesses and investigators from 2021 to 2024 are shown in Figure 21 and reveal notable patterns as well. Expert witnesses, though used in a small percentage of cases, carry substantially higher costs per case rising from around \$2,057 in 2021 to \$2,642 in 2024. This change reflects the specialized nature of their involvement. Investigator costs per case, while lower overall, increase steadily from about \$410 to \$796 over the same period, even as the percentage of cases using investigators slightly declines. These trends suggest that when either resource is used, it often supports more complex or resource-intensive cases. Although both expert witnesses and investigators are used relatively infrequently, they represent a significant financial investment in CAPDS case preparation.

Figure 20. CAPDS Expert Witness, Investigator, and Social Worker Use Over Time (Percentage of Cases)

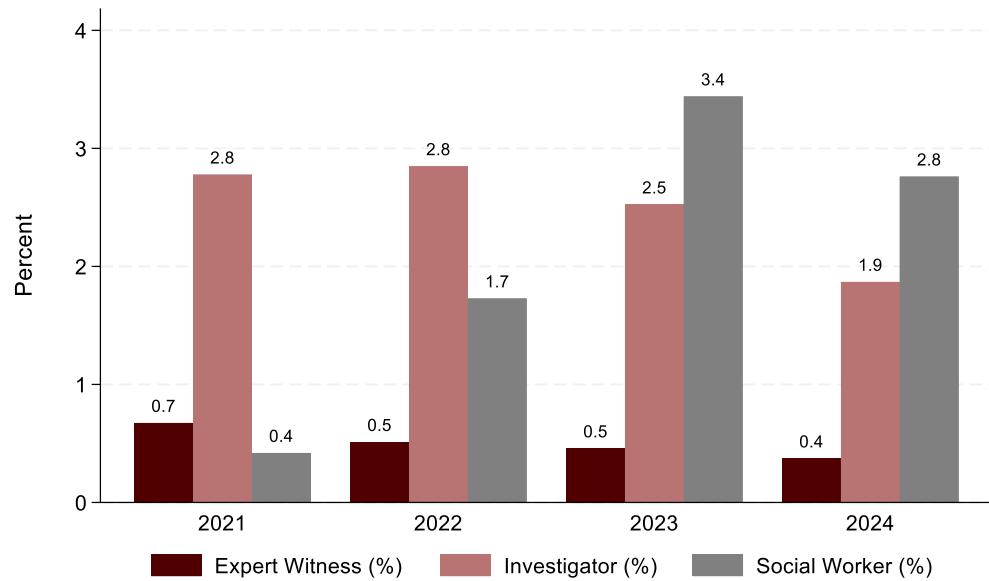
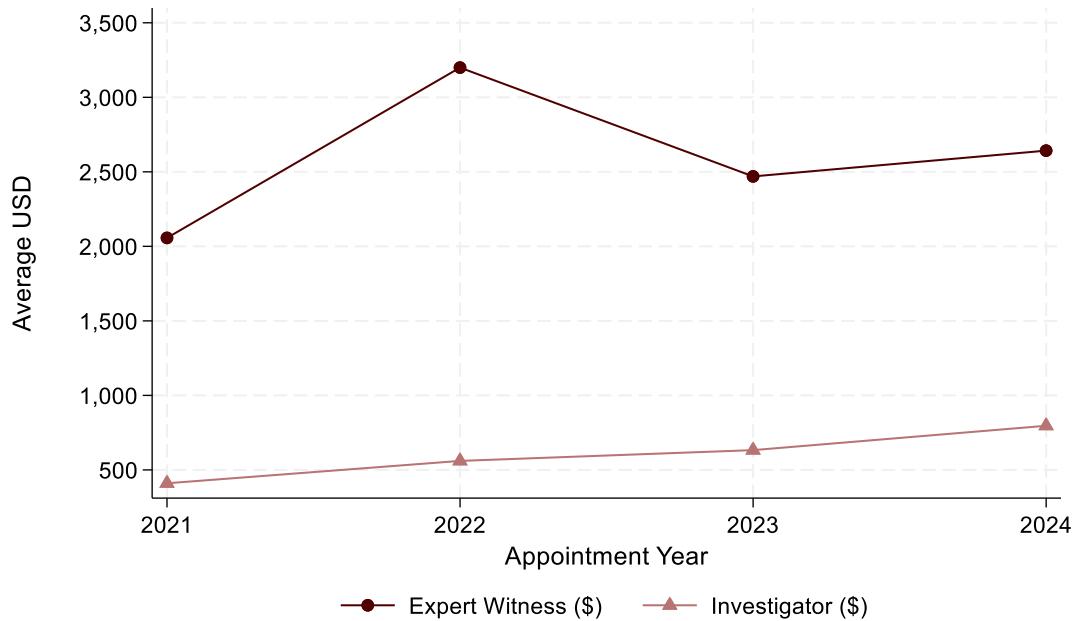


Figure 21. CAPDS Expert Witness and Investigator Average Cost in USD



PDO attorneys also utilize specialized support functions, including investigators, social workers, and immigration attorneys (Padilla). Table 9 shows that investigators are engaged in about 20% of cases, social workers in 28%, and immigration attorneys in 9%. Investigator and social worker involvement is roughly evenly split between felony and

misdemeanor cases (54% and 46% for investigators, and an even 50% split for social workers), highlighting their broad applicability across case types.

While these numbers also mirrored in the PDO's internal case management data, it is important to note the particular role of Padilla attorneys. Between 2021 and 2025, PDO attorneys handled 9,791 charges. In accordance with PDO policy, all non-U.S. citizen clients are referred for consultation with Padilla Immigration attorneys. During the study period, 9% of cases required this type of supplemental support, representing 556 unique clients advised by the office's two dedicated immigration attorneys. These patterns demonstrate that the PDO relies on a multidisciplinary model of representation in which investigators, social workers, and immigration specialists supplement attorney work, providing targeted expertise, mitigating collateral consequences, and enhancing the overall quality and responsiveness of client representation.

Table 9. PDO Investigator, Social Worker, and Immigration Attorney Use¹⁶

Role	% of Cases Engaged	Felony Share	Misdemeanor Share	Total # Cases
Investigator	20%	54%	46%	9,791
Social Worker	28%	50%	50%	9,791
Immigration Attorney (Padilla)	9%	-	-	9,791

The findings highlighted in this section underscore the critical role of supplemental defense resources in strengthening public representation. Both CAPDS and PDO rely on multidisciplinary support, though through different methods, to address the complexities of client needs and case preparation. CAPDS demonstrate modest but evolving use of investigators, social workers, and expert witnesses, despite the rising costs of incorporating these services. The PDO, on the other hand, integrates these functions more extensively, with substantially higher engagement rates across investigators, social workers, and immigration attorneys. This difference reflects the PDO's holistic approach, compared to CAPDS's assigned-counsel model. The data highlights how investments in specialized staff and expert resources contribute not only to case quality and efficiency, but also to more holistic and client-centered representation.

Settings and Trials

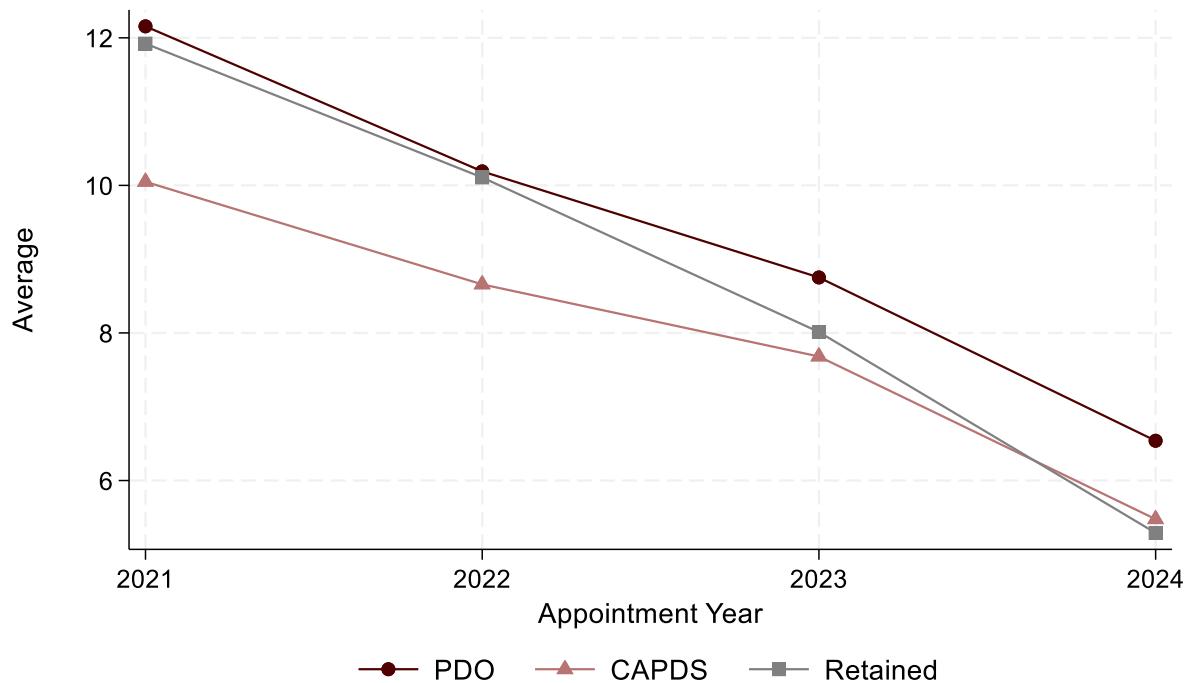
This section examines attorney engagement and case progression. These analyses provide insight into how PDO, CAPDS, and retained counsel manage case activity, as well as the outcomes of cases over the 2021-2024 period. Specifically,

¹⁶ PDO data are drawn from the internal Case Management Database

it discusses the average number of settings per case, the frequency of jury trials, and the distribution of first disposition types. By considering these aspects together, further insight is drawn to better understand both the workload and strategic choices of different attorney types, as well as the implications for case resolution and client outcomes.

Figure 22 presents the average number of settings per case from 2021 to 2024 across PDO, CAPDS, and Retained counsel.¹⁷ Across all attorney types, there seems to be a clear downward trend over time. PDO cases decrease from an average of 12.2 settings in 2021 to 6.5 in 2024, CAPDS from 10.0 to 5.5, and retained counsel from 11.9 to 5.3. PDO consistently averages more settings than CAPDS or Retained counsel, suggesting a relatively higher level of procedural activity per case. The general decline across all attorney types may reflect changes in case complexity, caseload pressures, or evolving approaches to scheduling and managing case settings. It is important to note that cases appointed earlier in the period had more time to accumulate settings, particularly those overlapping with pandemic-related delays, which may contribute to the higher averages observed in 2021 and 2022. While the frequency of settings varies slightly across attorney types, all show a similar decreasing trajectory.

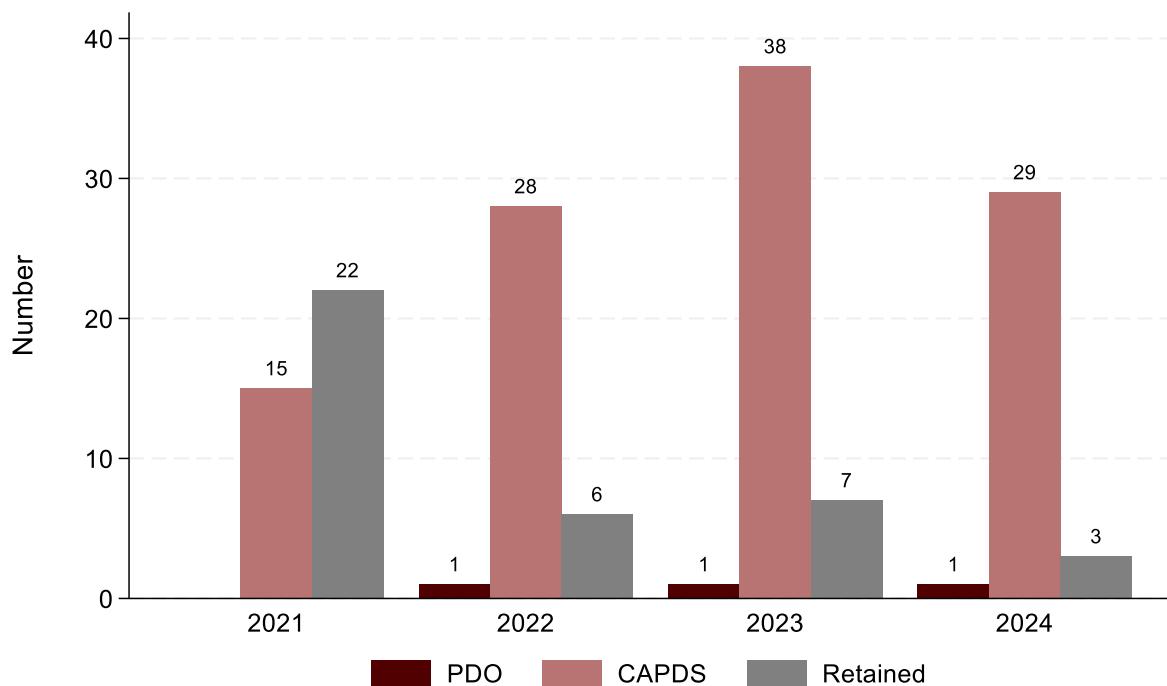
Figure 22. Average Number of Settings by Year



¹⁷ Data indicate when a setting was scheduled, but not whether it was actually held. As a result, the number of settings may overstate the number of hearings that occurred.

Regarding the number of jury trials per year, per attorney type, CAPDS consistently handles most jury trials each year.¹⁸ For example, in 2021, CAPDS conducted 22 trials (59% of the total), rising to a peak of 38 trials in 2024 (83%). Retained counsel accounted for 37 trials in 2021 (41%) but only 3 trials in 2024 (9%), while PDO handled very few trials each year (1 each year from 2022 through 2024). These trends indicate that CAPDS manages most cases requiring jury adjudication, likely to reflect higher caseloads or more serious charges. These findings align with prior analyses showing that CAPDS consistently takes the largest number of cases and manages a substantial share of serious charges. The PDO and retained counsel, however, conduct relatively few jury trials which could be due to differences in case assignments or resolution strategies.

Figure 23. Number of Jury Trials by Year of Trial



Disposition Outcomes

Examining first disposition outcomes by attorney type highlights differences in how cases are resolved across PDO, CAPDS, and retained counsel. Figure 24 shows the overall trends in first disposition outcomes over 2021-2024, while Table 10 (below) provides a detailed breakdown of disposition percentages for each attorney type and year. For example,

¹⁸ Data indicate when a jury was sworn in.

in 2021, 45.6% of PDO cases were dismissed, compared with 40.1% for CAPDS, and 51.0% for Retained counsel. Over the study period, dismissal rates remained relatively high for all three attorney types, though PDO and CAPDS show slight declines by 2024 (PDO 41.5%, CAPDS 34.5%), while retained counsel remains relatively stable (42.0%). Conviction rates are highest for CAPDS, increasing from 26.2% in 2021 to 31.2% in 2024, while PDO convictions fluctuate between 17.5% and 19.0%. Retained counsel convictions remain lower, around 13-14% of cases each year. As for rejected charges, these show a similar pattern where PDO starts at 32.3% in 2021 and rises to 38.6% by 2024, CAPDS is relatively stable (28-32%), and retained counsel fluctuates around 24-37%.

Deferred adjudication, probation, and acquittal occur much less frequently across all attorney types, with PDO and CAPDS rarely using acquittal (<0.1%) and retained counsel slightly higher for deferred adjudication (8-11%). These patterns indicate that dismissals and rejected charges constitute the majority of first dispositions, particularly for PDO and CAPDS, while retained counsel cases show slightly higher variability in alternative outcomes such as deferred adjudication. Figure 24 and Table 10 illustrate how PDO and CAPDS focus on achieving early case resolution, particularly through dismissals or rejections, while retained counsel may pursue alternative resolution strategies more often, consistent with differences in caseload, client resources, and case complexity.

Figure 24. First Disposition Type

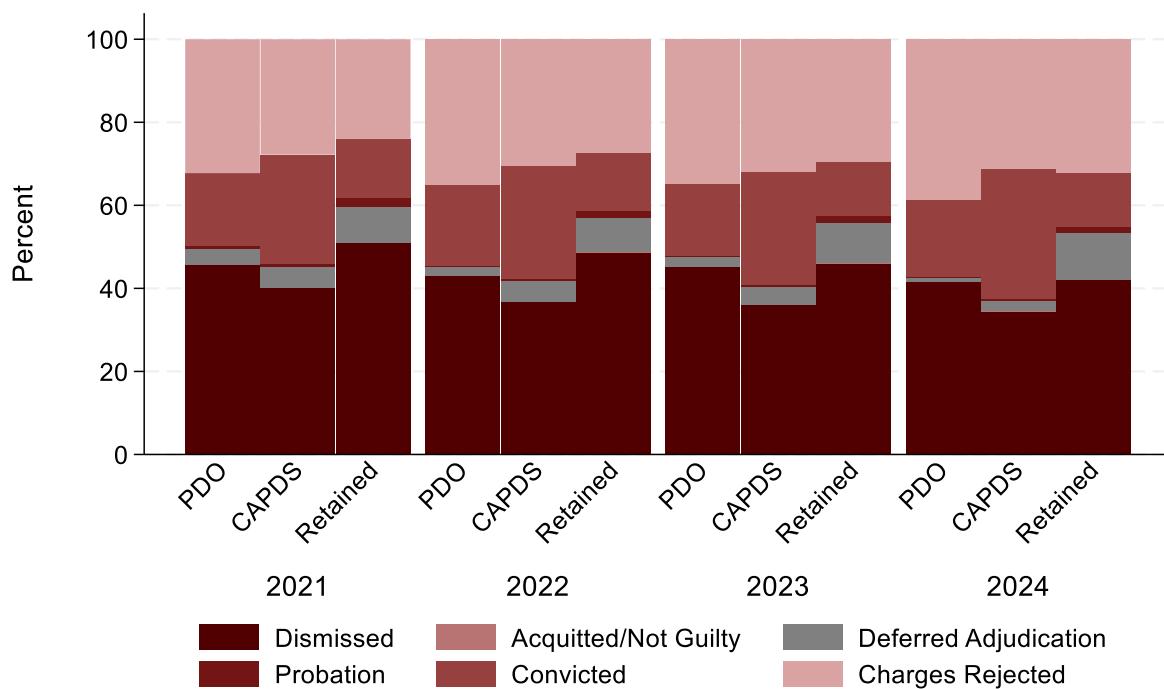


Table 10. Percentage Breakdown of First Disposition Types by Year and Attorney Type

Year	Attorney Type	First Disposition					N	
		Dismissed	Acquitted/Not Guilty	Deferred Adjudication	Probation	Convicted		
2021	PDO	45.59	0	4.04	0.57	17.54	32.26	1,237
	CAPDS	40.10	0.01	4.98	0.86	26.24	27.80	15,732
	Retained	50.99	0.07	8.53	2.31	14.07	24.02	5,791
2022	PDO	43.03	0	2.13	0.23	19.56	35.044	2,203
	CAPDS	36.86	0.05	4.88	0.59	27.18	30.43	16,605
	Retained	48.71	0.06	8.24	1.60	14.05	37.35	6,771
2023	PDO	45.18	0	2.35	0.23	17.49	34.75	3,019
	CAPDS	36.16	0.02	4.18	0.55	27.12	31.98	18,777
	Retained	46.04	0.05	9.82	1.46	13.18	29.45	5,765
2024	PDO	41.53	0	1.11	0.10	18.70	38.55	2,882
	CAPDS	34.47	0.01	2.59	0.42	31.22	31.29	14,233
	Retained	41.95	0	11.47	1.35	13.09	32.14	3,261

Appendices D and E show the breakdown of case outcomes by demographics (i.e., Race, Age, Gender, and Ethnicity), and charge type (i.e., Felony or Misdemeanor). Appendix D presents a detailed breakdown of case outcomes by demographic characteristics across PDO, CAPDS, and Retained cases for the years 2021–2024. Table 1 through Table 3 present data on race, showing the distribution of White, Black, and Other racial categories within each first disposition outcome Table 4 through Table 6 . provide the corresponding distributions by age category, ranging from 17–24 to 65+, highlighting how different age groups are represented across outcomes. Table 7 through Table 9 display gender distributions within case outcomes, and Table 10 through Table 12 show ethnicity breakdowns between Hispanic and Non-Hispanic defendants. Appendix D underscores persistent demographic patterns in case outcomes across different attorney types. Key observations include higher conviction rates among male and White defendants, and a concentration of younger defendants (25-34) in Dismissed or Deferred Adjudication cases. Overall, these patterns highlight the intersection of demographic characteristics with case processing outcomes, providing context for interpreting disparities in representation and judicial outcomes.

As for Appendix E, Table 1 presents the distribution of first disposition outcomes broken down by attorney type (PDO, CAPDS, Retained) and the highest charge type (misdemeanor vs. felony) for the years 2021–2024. Table 1 shows the percentages of each first disposition outcome, Dismissed, Acquitted/Not Guilty, Deferred Adjudication, Probation, Convicted, and Charges Rejected, within each attorney and charge type combination. PDO, CAPDS, and Retained generally experience higher dismissal rates for misdemeanors than felonies. Felony cases, across all attorney types, tend to result in dismissals, convictions, or charges rejected more often. Over time, misdemeanor outcomes remain relatively stable, while felony outcomes show slightly increasing trends in charges rejected, particularly for Retained cases.

Sentencing Outcomes

Figure 25 and Table 11 present the distribution of sentencing outcomes by attorney type over the period 2021–2024. Across all years, local jail sentences dominate the case outcomes for PDO and CAPDS, while retained attorneys show a more mixed pattern, with higher rates of deferred adjudication and probation.

For PDO cases, local jail was the most common sentence, increasing steadily from 57.0% in 2021 to 80.8% in 2024. Prison sentences remained relatively low, peaking at 9.2% in 2022 before declining to 5.7% in 2024. Deferred adjudication and probation sentences decreased over the period, suggesting a trend toward more consistent use of local jail for PDO-represented defendants. CAPDS cases display a similar pattern to PDO, with local jail sentences consistently accounting for the majority of outcomes (56.0% in 2021, rising to 76.9% in 2024). Prison sentences for CAPDS cases were slightly higher than PDO in some years (e.g., 9.7% in 2021) but remained below 9% in the later years. Deferred adjudication and probation were less commonly applied than in PDO cases, and the downward trend over time mirrors that seen for PDO.

Retained counsel cases exhibit a different pattern. While local jail remains the largest single category, it constitutes a smaller share of outcomes compared to PDO and CAPDS, ranging from 32.1% in 2021 to 33.5% in 2024. Retained attorneys show significantly more deferred adjudication (35.0–47.2%) and probation (14.8–27.7%), and prison sentences remained relatively low (3.6–5.5%). This indicates that retained attorneys may be more likely to secure alternatives to incarceration for their clients.

Figure 25. Sentencing Type – If Convicted

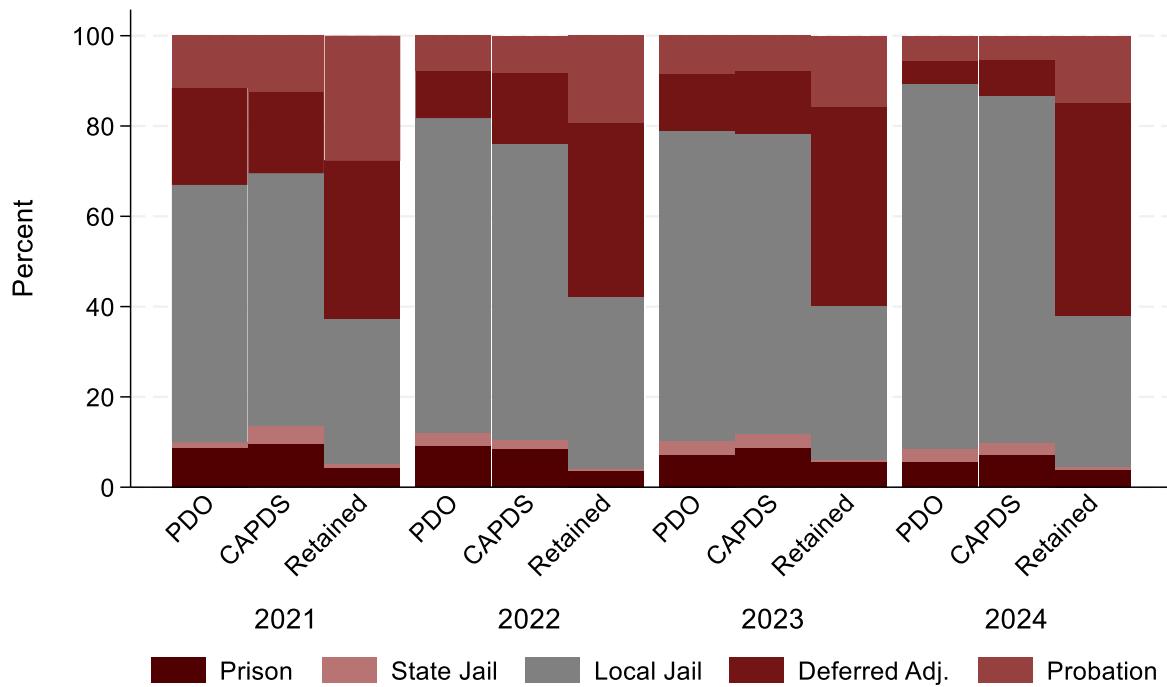


Table 11. Percentage Breakdown of Sentencing Types by Attorney Type and Year

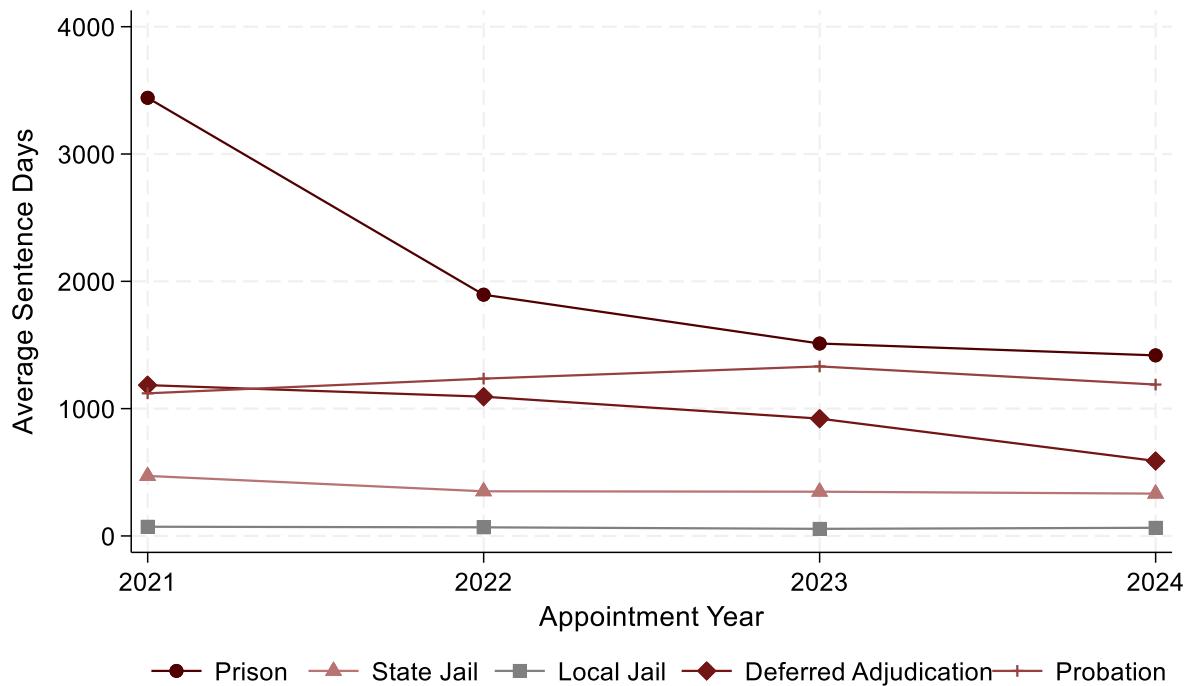
Year	Attorney Type	Sentencing Type				Total (N)
		Prison	State Jail	Local Jail	Deferred Adjudication	
2021	PDO	8.68	1.24	57.02	21.49	11.57 242
	CAPDS	9.71	3.83	56.00	18.00	12.46 4,284
	Retained	4.39	0.80	32.10	35.00	27.72 1,003
2022	PDO	9.22	2.94	69.60	10.48	7.76 477
	CAPDS	8.61	1.89	65.58	15.76	8.16 5,438
	Retained	3.60	0.53	38.07	38.47	19.33 1,500
2023	PDO	7.11	3.05	68.87	12.52	8.46 591
	CAPDS	8.74	3.16	66.37	13.89	7.84 5,947
	Retained	5.51	0.60	34.04	44.15	15.70 1,325
2024	PDO	5.68	2.75	80.77	5.31	5.49 546
	CAPDS	7.19	2.58	76.94	8.01	5.28 4,618
	Retained	3.79	0.78	33.46	47.19	14.77 765

Appendix F shows the distribution of sentence types by attorney type and highest charge type from 2021 to 2024. Table 1. Sentence Type by Attorney Type and Charge Type reports the percentages of sentences including Prison, State Jail, Local Jail, Deferred Adjudication, and Probation for each attorney-charge combination. Sentence patterns differ markedly by attorney type and charge severity. Most misdemeanor convictions result in local jail or probation rather than prison, with PDO and CAPDS clients receiving similar sentencing distributions. Felony cases show a broader range of sentences, with PDO and CAPDS clients more likely to receive prison compared to retained clients.

Overall, the data suggests a clear divergence in sentencing patterns by attorney type. Both PDO and CAPDS receive a majority of local jail sentences, while retained attorneys pursue deferred adjudication and probation more frequently. Across all attorney types, prison sentences constitute a relatively small proportion of outcomes, and local jail usage generally increased over the 2021–2024 period.

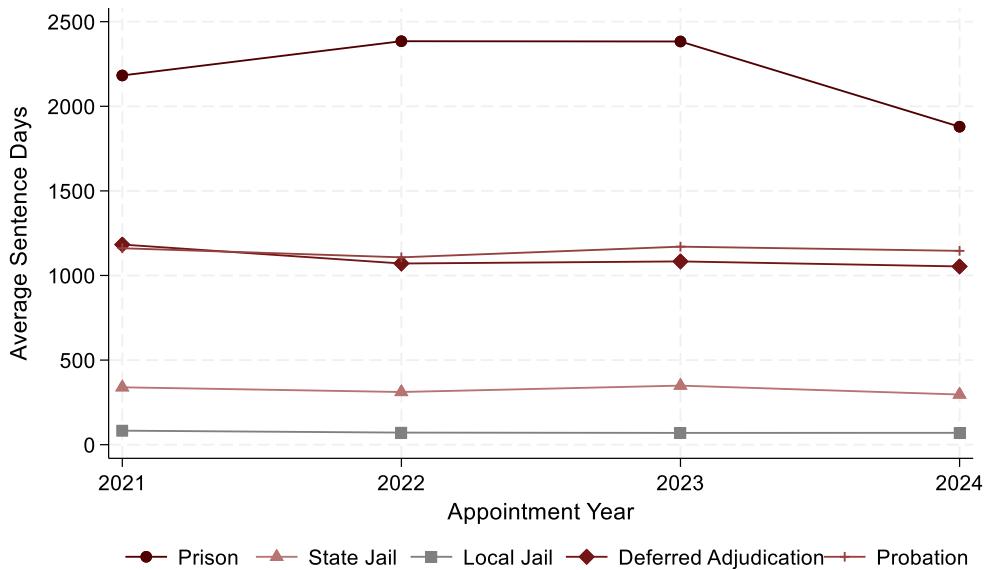
Next, Figure 26 presents the average number of sentence days by type of sentence. For PDO cases, average sentence days vary significantly by sentence type. Prison sentences are the longest, starting at roughly 3,441 days in 2021 and declining steadily to about 1,419 days by 2024. Deferred adjudications and probation sentences are more moderate, with deferred adjudication averaging between 1,185 days in 2021 and 589 days in 2024, and probation ranging from 1,121 days to 1,190 days. Local jail sentences are comparatively short, averaging around 57–81 days across the four years, while state jail sentences remain in the 330–470-day range. Overall, PDO shows a general downward trend in prison and deferred sentences over time, while probation and local jail sentences are more stable.

Figure 26. Average Number of Sentencing Days (PDO)



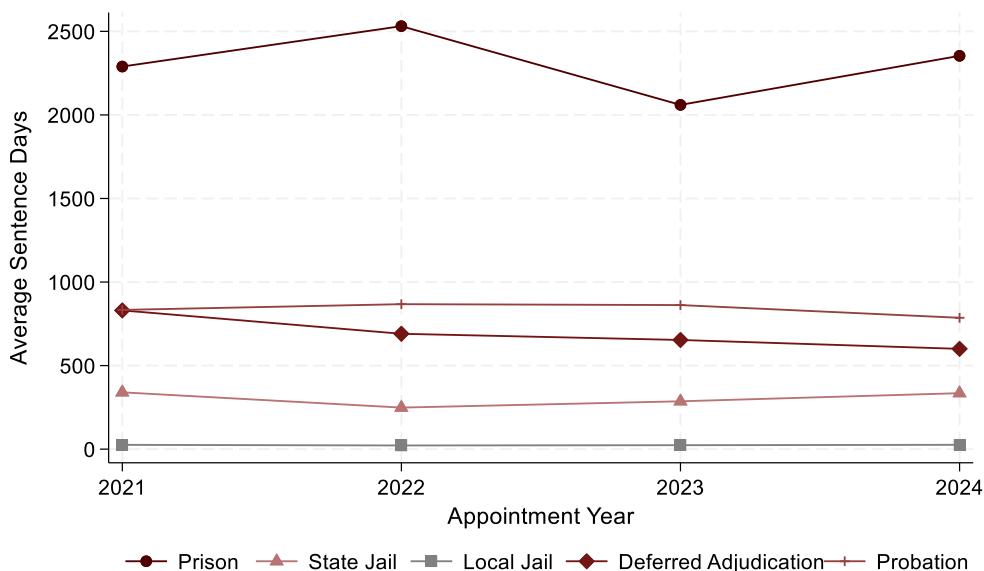
CAPDS cases show a similar pattern (Figure 27), though with generally shorter prison sentences than PDO. Prison sentences start at approximately 2,182 days in 2021, peaking at 2,384 days in 2022–2023 before dropping to 1,879 days in 2024. Deferred adjudication and probation sentences are moderately long, ranging from around 1,070 to 1,183 days and 1,107 to 1,161 days, respectively. Local jail and state jail sentences are much shorter, averaging roughly 70–83 days and 296–349 days, respectively. CAPDS sentences are relatively consistent throughout the years, with a slight decline in prison sentences in the last year.

Figure 27. Average Number of Sentencing Days (CAPDS)



In Figure 28, retained counsel cases show longer prison sentences compared to CAPDS, with an average of about 2,290–2,531 days, peaking in 2022 and fluctuating thereafter. Deferred adjudications and probation sentences are shorter than prison but longer than local jail, averaging roughly 600–867 days over the four-year period. Local jail sentences are the shortest, consistently around 22–26 days, and state jail sentences hover around 248–340 days. Unlike PDO, prison sentences for retained counsel do not show a clear downward trend, although deferred adjudications and probation tend to decline slightly over time.

Figure 28. Average Number of Sentencing Days (Retained)



In sum, the combined analyses of disposition outcomes, sentencing types, and sentence lengths show that PDO and CAPDS cases are characterized by higher rates of dismissals and local jail sentences, reflecting an emphasis on early resolution and a caseload composed of lower-level or higher-volume offenses. Both show declining prison and deferred adjudication sentences over time, suggesting greater consistency and perhaps increased efficiency in plea negotiations or charge reductions. Retained counsel, on the other hand, consistently secures a higher share of deferred adjudication and probation sentences and the lowest conviction rates, indicating greater access to alternative resolutions and potentially more favorable case outcomes. These patterns point to meaningful structural and functional differences across attorney types. PDO's expanding role in resolving cases quickly, CAPDS's continued management of more serious and resource-intensive cases and retained counsel's tendency to obtain more lenient outcomes for their clients.

Caseloads

Using appointment data from 2018 to 2024, the following figures present trends in case assignments and attorney workload for both CAPDS and PDO attorneys over the respective years. In this section the results for the number of cases appointed, the number of attorneys for appointments, and the average caseload per attorney are presented. These analyses provide insight into how workloads have evolved over time and highlight differences and similarities between the two appointment systems.

Figure 29 shows that the number of cases appointed to CAPDS fluctuated greatly between 2018 and 2024, with a general decline in both felony and misdemeanor cases through 2021, followed by an overall upward trend in recent years through 2024. CAPDS received a total of 165,838 cases during this seven-year period, composed of approximately 47% felonies (77,681 cases) and 53% misdemeanors (88,157 cases). The number of felony appointments decreased from 11,831 in 2019 to 9,803 in 2022 before rising again to 12,238 in 2024. A similar but sharper pattern is also evident in misdemeanor cases, which dropped from 17,401 in 2018 to 9,973 in 2022 and then increased to 12,262 in 2024. These shifts may reflect broader changes in county filing trends and post-pandemic recovery, with recent increases suggesting that CAPDS caseloads might be resuming pre-2021 levels.

Figure 30 shows a clear and consistent decline in the number of attorneys appointed through CAPDS from 2018 to 2024. The number of active CAPDS attorneys decreased from 193 in 2018 to 123 in 2024, a reduction of about 36% over the time period. The sharpest drop occurred between 2019 and 2021, coinciding with the decrease in the number of cases observed in the previous figure. However, since 2021, the number of appointed attorneys has continued to decrease gradually, even as total case appointments have increased (see Figure 29). This divergence between the number of appointed attorneys and the caseload suggests that CAPDS attorneys are managing higher caseloads per person over time, potentially signaling capacity pressures within the counsel assignment system. These patterns are not unique to Travis County; they are seen statewide, as most counties face a shortage of attorneys willing to take indigent defense cases.

Figure 29. Number of Cases Appointed to CAPDS by Year

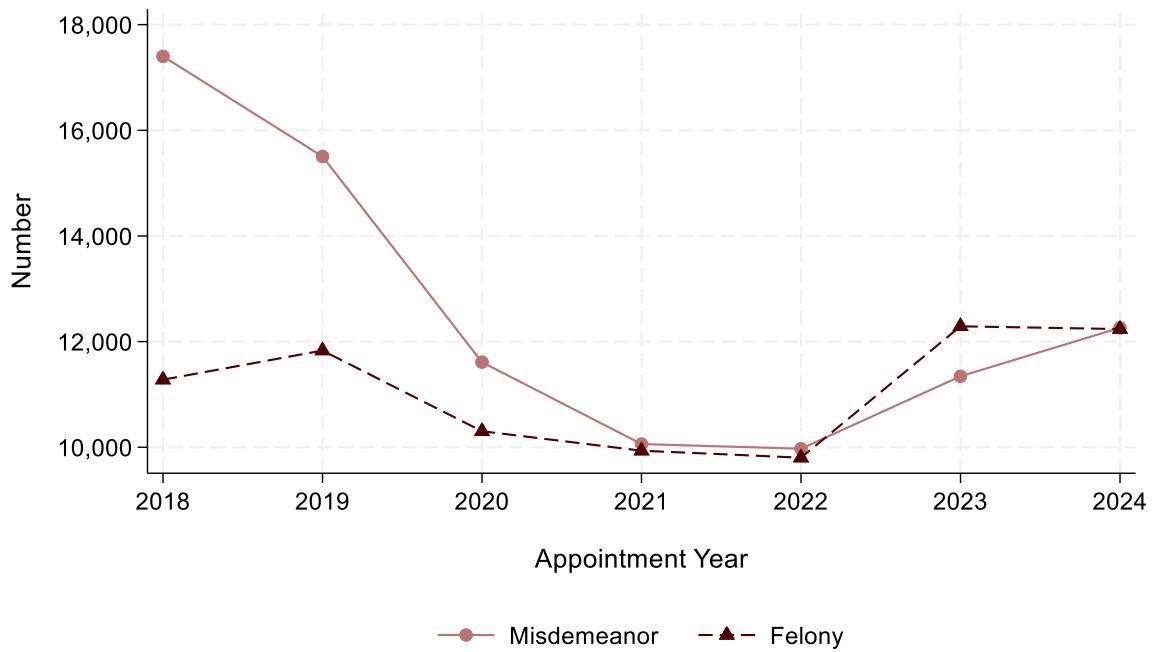
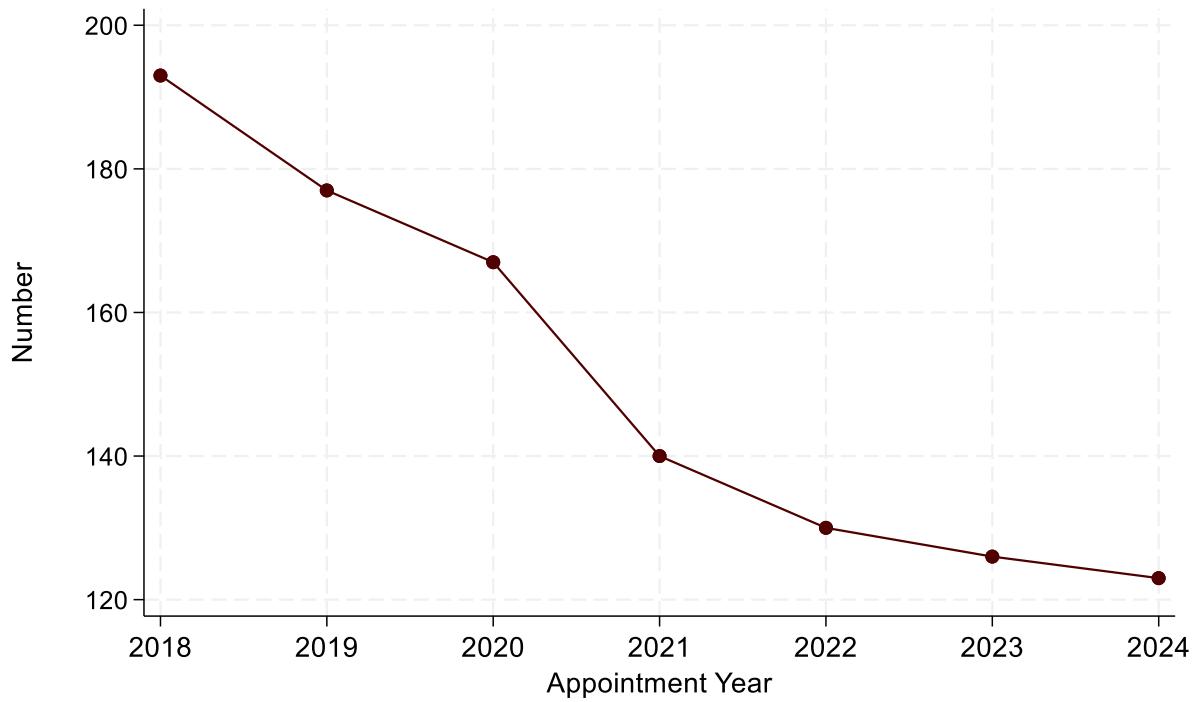
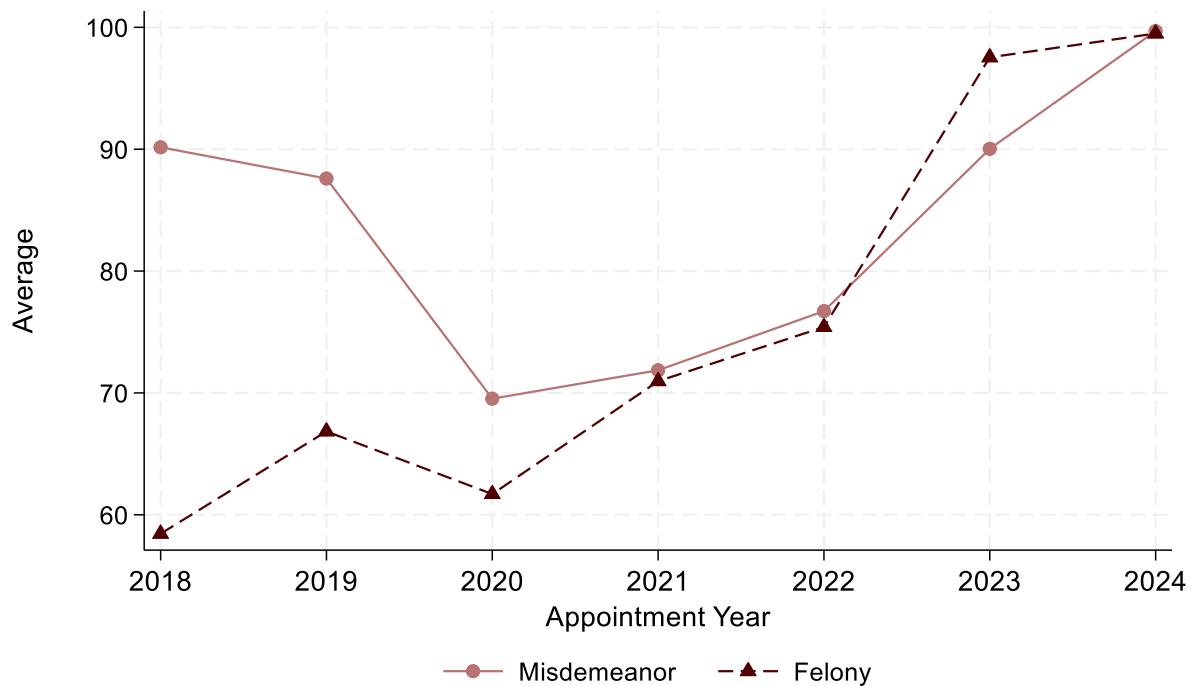


Figure 30. Number of CAPDS Attorneys Appointed by Year



The average number of cases assigned to CAPDS attorneys per year, separated by misdemeanors and felonies, is presented in Figure 31. Overall, misdemeanor case assignment per attorney started relatively high in 2018 (around 90 cases) and declined to a low in 2020 (around 70 cases) before steadily increasing to nearly 100 cases in 2024. Felony assignments show a slightly different pattern. The values increased from 2018 (around 58 cases) to 2019 (around 67 cases), then remained relatively stable through 2020-2022 (around 62-75 cases), before witnessing a sharp increase in 2023-2024 to roughly 98-99 cases per attorney.

Figure 31. Average Number of Cases Appointed Per Attorney to CAPDS Over Time



These patterns indicate that CAPDS attorneys experienced both a temporary reduction in caseloads around 2020, followed by a marked rise in both misdemeanor and felony assignments, with felony caseloads converging with misdemeanor cases in 2024 (around 100 cases per case type). This reinforces, again, how CAPDS attorneys have handled an increasing caseload, despite reductions in CAPDS appointment numbers.

To supplement the trends presented in Figure 30 and Figure 31, Table in Appendix K offers additional detail on how caseloads were distributed each year by reporting the median, interquartile range, and minimum and maximum number of cases assigned to individual attorneys. The distributional statistics indicate that these increases were not uniform across all attorneys. In several years, the spread between the lower and upper ends of the distribution widened, suggesting that a smaller group of attorneys carried disproportionately higher caseloads. These results show that the rising average caseload per attorney reflects not only general workload increases but also the effects of a shrinking

CAPDS attorney pool, highlighting the operational strain created by this shortage as fewer attorneys absorbed larger caseloads in recent years

We now move to examine cases related to PDO attorneys, focusing on the years 2021 (year the office started taking cases) through 2024. This analysis highlights trends in both felony and misdemeanor case assignments and provides a comparison onto the earlier CAPDS data. First, the data reveals that the total number of PDO appointments increased steadily from 1,921 to 5,193 cases from 2021 to 2024 (Figure 32). Both felonies and misdemeanors show consistent growth. Felony cases rose from 908 in 2021 to 2,186 in 2024, while misdemeanors increased from 1,013 to 3,007 over the same period.

Overall, misdemeanor cases consistently outnumbered felony cases each year. Across the four-year period, PDO attorneys handled a total of 14,002 cases, with misdemeanors representing majority of cases (7,820 cases). Compared to CAPDS, PDO appointments are generally lower, but the steadily increasing workload for PDO is narrowing that gap.

Figure 32. Number of Cases Appointed to PDO by Year

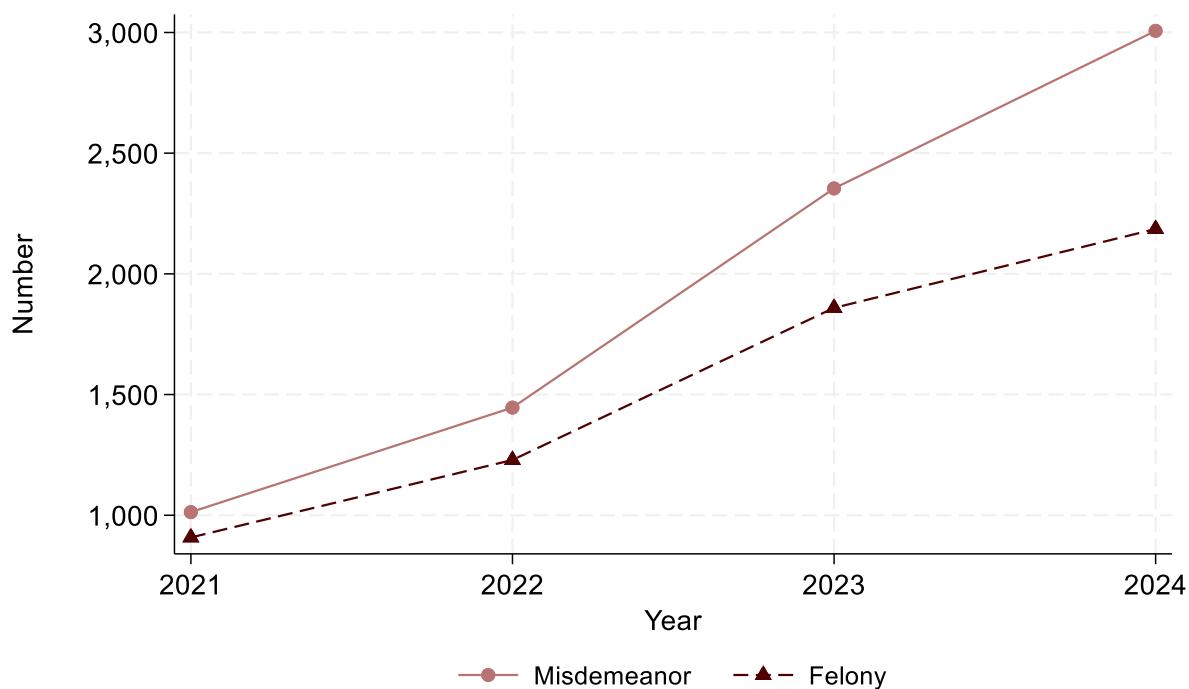
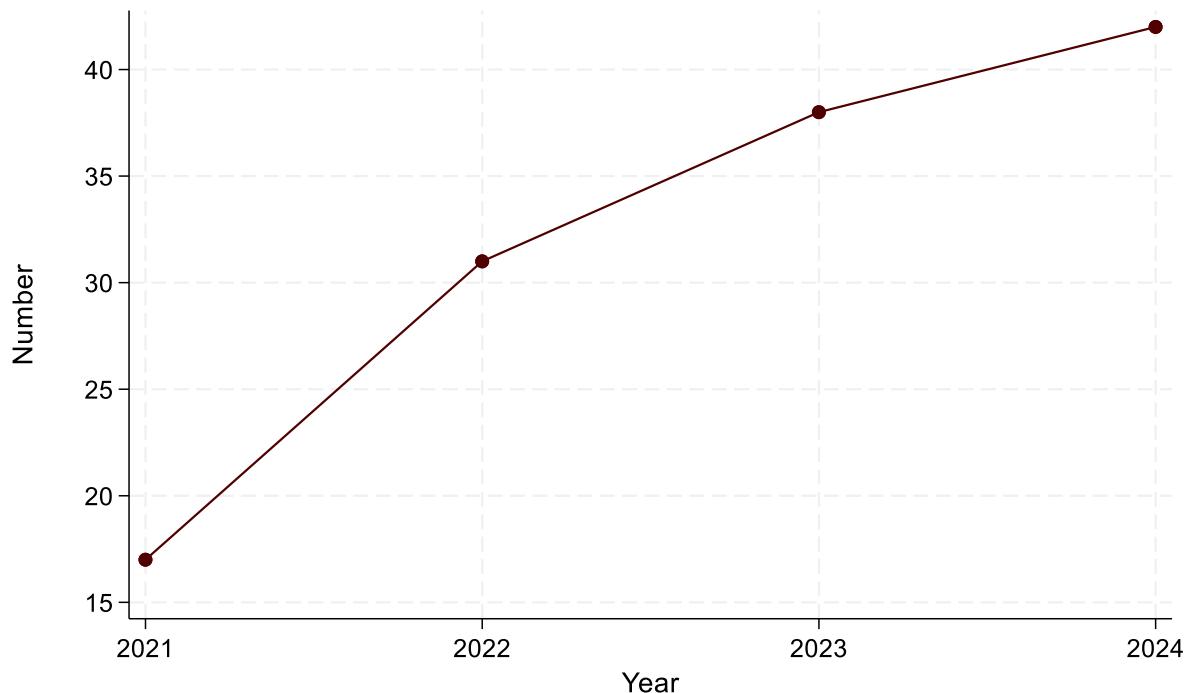


Figure 33 shows the number of PDO attorneys eligible for appointments each year from 2021 to 2024. The data shows a clear and steady increase in eligible PDO attorneys, rising from 17 in 2021 to 42 in 2024. This growth in the number of eligible PDO attorneys is consistent with the increasing number of cases assigned to PDOs over the same period, helping explain and accommodate the increasing caseload.

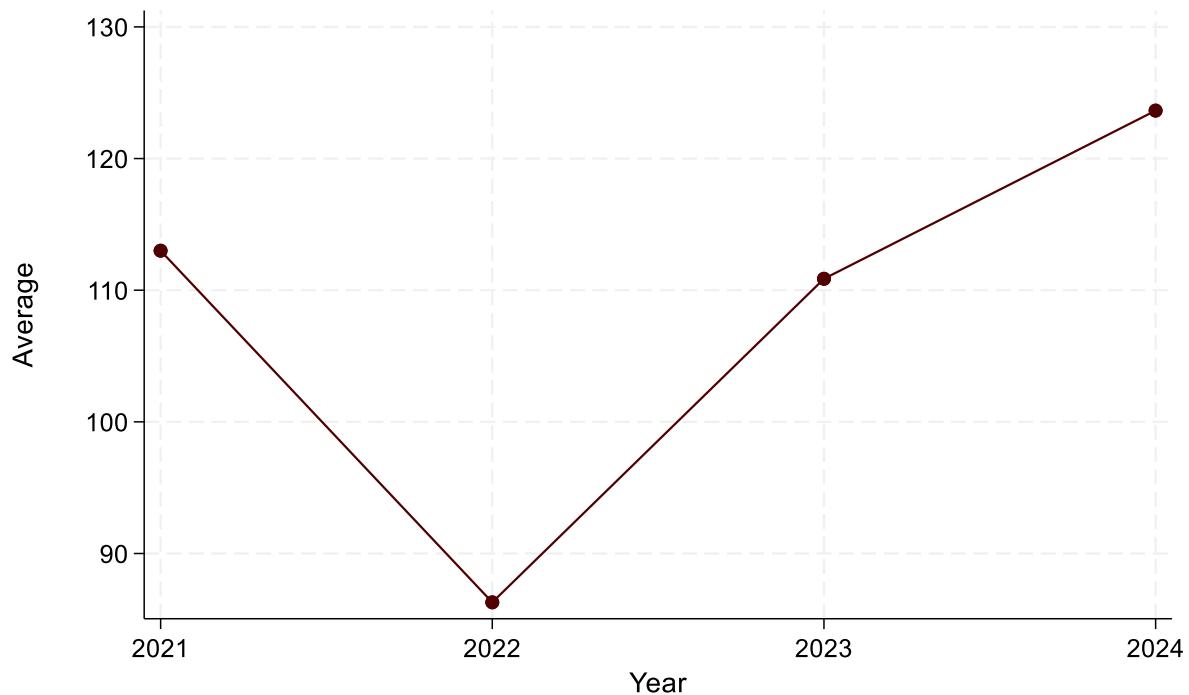
Figure 33. Number of PDO Attorneys Eligible for Appointment by Year



In terms of the average number of cases assigned per PDO attorney from 2021 to 2024, the data indicate that average caseloads per attorney increased over the time-period (Figure 34).¹⁹ Although there is a dip in the average from 113 in 2021 to 86.3 in 2022, likely due to the pandemic, the average number of cases per attorney increase to 124 through 2024. This fluctuation reflects the combination of a growing number of cases (see Figure 32) and the gradual increase in eligible PDO attorneys (see Figure 33), indicating that each attorney's workload has intensified over time despite the increased number of attorneys.

¹⁹ Since the appointment data do not distinguish between individual PDO attorneys, the number of cases appointed to the PDO each year was divided evenly across all PDO attorneys eligible for appointment in that year.

Figure 34. Average Number of Cases Appointed Per Attorney to PDO Over Time



Comparing the two reveals notable differences in timing, scale, and overall trends. CAPDS handled a much larger caseload, even when limited to the 2021-2024 time period. However, CAPDS did experience declining numbers of appointed attorneys, leading to higher average caseloads per attorney in recent years. PDO appointments, by contrast, handled fewer cases, but both total cases and eligible attorneys increased steadily, resulting in rising caseloads per attorney.

The data shows that both CAPDS and PDO attorneys are managing increasingly heavy caseloads, but under different circumstances. CAPDS attorneys face higher workloads per attorney due to declining appointment numbers, while PDO attorneys are seeing growing workloads driven by both increasing case assignments and eligible attorneys. These trends underscore the evolving and contradictory demands of the indigent defense system and highlight the importance of monitoring attorney capacity to ensure equitable case distribution.

Oversight and Client Complaint Resolution

This section examines oversight and disciplinary outcomes for PDO and CAPDS attorneys, highlighting how client complaints and professional conduct issues are addressed within each system.

Referring to Table 12 among PDO attorneys, none of the 42 attorneys received disciplinary action, whereas 2.8% of the 217 CAPDS attorneys were subject to disciplinary measures. Most attorneys in both groups maintained clean records, indicating generally low rates of formal disciplinary actions across appointment systems. This highlights how disciplinary issues are rare among both PDO and CAPDS attorneys, though CAPDS experienced slightly higher disciplinary action which could be due to differences in case volume, tenure in the system, or practices between the two systems.

Table 12. Attorneys Receiving Disciplinary Action²⁰

	% Received Disciplinary Action	Total # Attorneys
PDO	0.0%	42
CAPDS	2.8%	217

Impact of Change in CAPDS Attorney Compensation

The regression discontinuity in time (RDiT) analyses assess the impact of the transition from flat fee to hourly attorney compensation for CAPDS on case outcomes and processing time for each felony level (F1, F2, F3, and FS). The RDiT design is appropriate for this analysis since each change in attorney compensation occurred at a distinct, well-defined point in time. This approach compares cases appointed immediately before and after each policy change to assess whether outcomes changed following the shift to hourly pay. By focusing on cases near each implementation date, this design helps isolate the effect of the compensation change from other factors that may have changed over time. Each reform was implemented at a different point in time between April 2020 and October 2022. Local linear regressions were estimated using MSE-optimal bandwidths ranging from approximately seven to thirteen months, with standard errors clustered by month of appointment. Outcomes include the probability of case dismissal, conviction, or rejection, as well as the average number of days from appointment to disposition.

The April 2020 shift to hourly compensation for F1 cases was associated with a statistically significant decrease in convictions and modest, statistically insignificant increases in dismissals and rejections. Specifically, the estimated probability of conviction decreased by roughly 8 percentage points ($p = 0.018$), while the probability of dismissal increased by 11 percentage points ($p = 0.112$). The likelihood of rejection did not change significantly (estimate = 0.038, $p = 0.473$). There is also no evidence of a change in days from appointment to disposition, with the estimated effect on

²⁰ Disciplinary data was pulled from the State Bar of Texas website for the PDO and CAPDS attorneys practicing in 2024.

days to disposition (≈ 131 days, $p = 0.395$) being large in magnitude but highly imprecise. Overall, these results suggest the hourly pay structure may have reduced convictions for defendants in F1 cases.

The October 2020 compensation change for F2 cases produced no statistically significant changes across any outcome measures. The estimated effects on dismissal (0.03, $p = 0.419$), conviction (0.04, $p = 0.366$), and rejection (-0.03, $p = 0.184$) were all small in magnitude and imprecisely estimated. The estimated change in days from appointment to disposition (-8.8 days, $p = 0.894$) also showed no meaningful difference. These findings indicate that the policy shift for F2 cases did not materially affect case outcomes or processing times.

For F3 cases, the October 2021 compensation reform appears to have meaningfully shifted case outcomes. Convictions fell by 5 percentage points ($p = 0.006$), while rejections increased by 12 percentage points ($p = 0.008$), both statistically significant. Dismissals declined slightly (-6 percentage points, $p = 0.077$), though this result was only marginally significant. The time between appointment and disposition decreased modestly (-16.6 days, $p = 0.536$) but not significantly. Overall, these results suggest that the hourly pay implementation for F3 cases may have led to fewer convictions and more rejections.

Finally, for FS cases, the October 2022 compensation change was not associated with measurable effects on any outcome. The estimated changes in dismissal (0.03, $p = 0.275$), conviction (-0.03, $p = 0.425$), and rejection (0.03, $p = 0.466$) were all statistically insignificant, and the estimated change in days from appointment to disposition (-9.0, $p = 0.504$) was near zero.

Taken together, the results provide evidence that the shift to hourly pay affected case outcomes primarily for F1 and F3 cases, with both groups showing meaningful reductions in conviction rates following the policy change. The largest estimated change occurred for F3 cases, which also saw a corresponding increase in rejections. Effects for F2 and FS cases were negligible. Across all charge levels, there was no consistent evidence of changes in the time between appointment and disposition.

Summary of Quantitative Findings

This quantitative analysis reveals clear trends in the evolution of indigent defense representation in Travis County. CAPDS continues to serve as the primary provider of appointed counsel, though the PDO's role has expanded steadily since 2021, reflecting the county's growing investment in institutional public defense. While misdemeanor cases remain the majority across both systems, the overall distribution of case types, demographics, and outcomes has remained stable overall. CAPDS attorneys face increasing caseloads per attorney amid a decreasing number of appointed counsel, whereas PDO attorneys are managing rising caseloads alongside a growing number of eligible defenders. Both CAPDS and PDO show greater engagement with clients and broader use of multidisciplinary support, such as social workers and investigators, signaling efforts to strengthen holistic representation. Sentencing patterns further underscore these

trends where PDO clients experience lower incarceration rates and shorter jail terms on average. Compensation patterns show modest growth in CAPDS attorney payments, while disciplinary data suggests strong overall professional standards with minimal instances of formal actions. These findings, therefore, highlight how the indigent and public defense system is marked by expanding institutional capacity, increasing workloads, and gradual progress toward more comprehensive, timely, and client-centered representation.

Table 13. Regression Discontinuity Results for Case Outcomes and Time to Disposition by Felony Level

Felony Level	Outcome	RD Effect	SE (robust)	p-value	95% CI (Lower)	95% CI (Upper)	Bandwidth (months)	N
F1	Dismissed	0.11	0.07	0.112	-0.03	0.25	9.0	688
	Convicted	-0.08	0.03	0.018	-0.15	-0.01	9.1	688
	Rejected	0.04	0.05	0.473	-0.07	0.14	7.1	496
	Days to Disposition	130.95	154.03	0.395	-170.93	432.84	8.8	605
F2	Dismissed	0.03	0.04	0.419	-0.05	0.12	10.1	2219
	Convicted	0.04	0.05	0.366	-0.05	0.13	12.6	2720
	Rejected	-0.03	0.02	0.184	-0.07	0.01	9.6	2002
	Days to Disposition	-8.80	66.22	0.894	-138.60	120.99	8.7	1746
F3	Dismissed	-0.06	0.03	0.077	-0.12	0.01	8.3	2898
	Convicted	-0.05	0.02	0.006	-0.08	-0.01	9.1	3247
	Rejected	0.12	0.04	0.008	0.03	0.21	7.7	2608
	Days to Disposition	-16.55	26.77	0.536	-69.01	35.92	13.3	4716
FS	Dismissed	0.03	0.03	0.275	-0.02	0.08	8.2	3720
	Convicted	-0.03	0.04	0.425	-0.12	0.05	8.8	3720
	Rejected	0.03	0.04	0.466	-0.04	0.10	7.8	3345
	Days to Disposition	-8.99	13.45	0.504	-35.36	17.37	9.5	4170

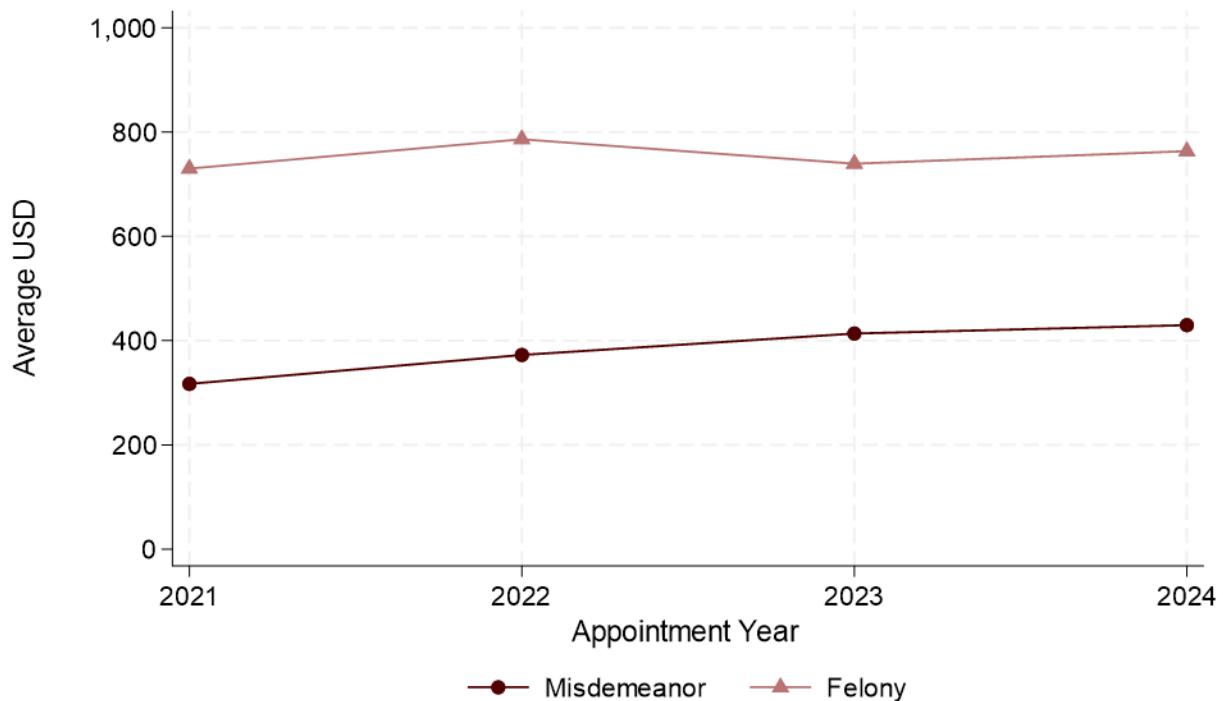
Cost Analysis of Public Defense Services

CAPDS Vouchers

Voucher payments reflect the compensation for work performed on appointed cases and provide insight into trends in attorney remuneration for CAPDS.

Based on the average voucher cost per case per year, the mean cost per case for CAPDS appointments increased for both misdemeanors and felonies over the study period. For misdemeanor cases, the average voucher rose from approximately \$317 in 2021 to \$430 in 2024. For felony cases, the average cost per case increased from roughly \$730 in 2021 to \$763 in 2024. Overall, across all case types, the mean voucher cost per case increased from about \$523 in 2021 to approximately \$597 in 2024, with an overall four-year average of \$569 per case. This pattern indicates a steady upward trend in compensation for CAPDS-appointed attorneys during the study period.

Figure 35. CAPDS Average Voucher Cost Per Case



Cost Per Case

To calculate the cost per case (CPC) for indigent defense in Travis County from 2021–2024, we used the number of cases disposed with an appointed counsel each fiscal year by CAPDS and the PDO. The sample used here is the same set of cases analyzed in the report and is described in detail in the methods section. CAPDS costs include both administrative salaries (directors, administrative staff, support staff such as social workers and case managers), other costs (investigator fee, expert witness expenses, etc.) and voucher payments submitted by private attorneys. PDO costs include staff salaries and other expenses (training, travel, etc.). Both offices provided salary data for all staff over the four years, voucher data and number of disposed cases came from the county system. Hence, the cost estimates used below are inclusive of all the expenses associated with each office.

Table 14 presents the annual CPC for CAPDS and PDO from fiscal years 2021 to 2024, along with the CPC ratio (PDO/CAPDS). CPC is calculated by dividing an office's total cost for a given fiscal year by the number of cases it disposed of that year. On average, an indigent defense case represented by CAPDS costs \$1,168.8 in 2021 compared to \$2,680.0 for the PDO. By 2024, these figures were \$1,241.0 and \$2,453.6, respectively.

Table 14. Attorneys Receiving Disciplinary Action

Fiscal Year	Cost per Case (CPC)		CPC Ratio
	CAPDS	PDO	
2021	\$1,168.8	\$2,680.2	2.2
2022	\$1,173.3	\$2,386.3	2.0
2023	\$1,204.2	\$2,292.6	1.9
2024	\$1,241.0	\$2,453.6	1.9

CAPDS costs have slowly increased over time, rising from \$1,168.8 in 2021 to \$1,241.0 in 2024, indicating a gradual upward trend of roughly 6% over four years. In contrast, PDO costs have fluctuated from \$2,680.2 in 2021 down to \$2,292.6 in 2023, followed by an increase in 2024 to \$2,453.6. The CPC ratio (PDO CPC divided by CAPDS CPC) shows that the PDO's cost per case is roughly twice that of CAPDS.

Each office relies on three main categories of staff: administrative, attorneys, and support personnel. The administrative group includes directors, administrative assistants, financial and data analysts, office managers, and training attorneys. The attorney group consists of attorneys appointed to cases. Support personnel include legal secretaries, paralegals, investigators, case managers, social workers, mental health peer-support staff, forensic disposition specialists, and alternative disposition specialists. The Table 15 below summarizes these groups by fiscal year and office. The main takeaways from Table 15 are that CAPDS is about twice as large as the PDO when private attorneys are included, yet the PDO has more resources in terms of administrative and support staff. Additionally, the CAPDS office is shrinking

over time while the PDO is growing. This suggests that as the county increases support for the PDO, particularly through additional support staff, CAPDS should also receive proportionate support to reflect its size and ensure both offices can provide a similar level of representation.

Table 15. Staff Composition by Fiscal Year and Office

Staff	2021		2022		2023		2024	
	CAPDS	PDO	CAPDS	PDO	CAPDS	PDO	CAPDS	PDO
Admin	7	8	9	8	9	9	8	12
Attorney	140	8	130	19	126	29	123	34
Immigration Attorney	3	2	3	2	2	4	3	2
Support	9	6	8	16	10	24	11	27
<i>Total</i>	<i>159</i>	<i>24</i>	<i>150</i>	<i>45</i>	<i>147</i>	<i>66</i>	<i>145</i>	<i>75</i>

Note: The administrative group includes directors, administrative assistants, financial and data analysts, office managers, and training attorneys. The attorney group consists of attorneys appointed to cases. Support personnel include legal secretaries, paralegals, investigators, case managers, social workers, mental health peer-support staff, forensic disposition specialists, and alternative disposition specialists.

Using the information from Table 15, we calculate the average number of cases per staff member and the average number of defendants per staff member for each office across all four fiscal years. These results are presented in Table below. CAPDS handles slightly more than twice the number of cases and defendants per staff member compared to the PDO. This suggests that although the PDO should take on more cases, CAPDS requires additional county support to manage its caseload effectively.

Table 16. Number of Cases and Number of Defendants Represented by Staff by Fiscal Year and Office

	2021		2022		2023		2024	
	CAPDS	PDO	CAPDS	PDO	CAPDS	PDO	CAPDS	PDO
# of Cases per Staff	86.1	34.2	95.4	44.7	98.3	43.3	87.6	42.7
# of Defendants per Staff	50.9	28.2	59.1	26.7	70.9	27.1	56.7	21.9

It is important to note that the cost estimates above reflect the county's point of view and do not account for the societal costs (labor market costs for clients, family cost, client wellbeing, etc.) nor the potential cost savings from differences in outcomes.

Stakeholder Perspectives on Public Defense Services

The majority results of our qualitative research process are organized around the ABA's Ten Principles of a Public Defense Delivery System, principles, as this provides a comprehensive framework for an effective public defense system.

We also identified common themes around quality, the role of the county and Commissioners Court, successes, challenges and suggested improvements and end the section with these findings. For each section, we provide synthesis of the interviews while incorporating quotes directly from the interviews that best illustrate key findings. Quotes are attributed to general role to provide context but not identify the speaker.

Principle 1: Independence

Public Defense Providers and their lawyers should be independent of political influence and subject to judicial authority and review only in the same manner and to the same extent as retained counsel and the prosecuting agency and its lawyers. To safeguard independence and promote effective and competent representation, a nonpartisan board or commission should oversee the Public Defense Provider. The selection of the head of the Public Defense Provider, as well as lawyers and staff, should be based on relevant qualifications and should prioritize diversity and inclusion to ensure that public defense staff are as diverse as the communities they serve. Public Defender Providers should have recruitment and retention plans in place to ensure diverse staff at all levels of the organization. Neither the chief defender nor staff should be removed absent a showing of good cause.²¹

The ABA Principle of independence emphasizes the extent to which attorneys in the public defense system should be free from political influence and treated in the same manner as the prosecuting agency in their jurisdiction²². In Travis County, stakeholders who spoke about PDO independence referred to the complicated relationship between PDO leadership and the bureaucracy associated with being a county department. Community advocates and county staff expressed concern about how the current county processes are not conducive to the provision of public defense services, as they were designed for the provision of other public services. Additionally, concern was raised about the PDO's capacity to advocate for additional resources for their attorneys and clients when needed. Rather, the PDO must make the request for resources during the county's annual budgeting cycle, and their request must be weighed against the needs of other departments and larger county needs.

Oversight Boards

In addition, to protect this independence and promote competent representation, public defense providers should be overseen by a board²³. County staff, community advocates, and members of the judiciary all mentioned the PDO Oversight Board and CAPDS Board during their interviews. However, stakeholders were mixed in their feelings about the degree to which the boards provide oversight to the offices, particularly when it comes to providing competent representation. In terms of the PDO Oversight Board, members of the board and county staff supported the notion that

²¹ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

²² American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

²³ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

the board should help protect the independence of the PDO but did not comment on how involved they should be in promoting competent representation from the office. Additionally, according to one county staffer the current PDO Oversight Board consists of members of the organizational development committee and has not been formalized as an Oversight Board through the approval of bylaws by the Commissioners Court. By contrast, county staff and members of the judiciary spoke about the CAPDS Board as more of a regulatory body of the private defense bar. In their view, the CAPDS Board should be more involved in the investigations into complaints against CAPDS attorneys and managing the pool of attorneys available to take appointments. According to one judge,

[CAPDS has] a board, you know, and I think that they're doing better [at evaluating attorneys], I will say that. But there are people, ...even as judges, you wouldn't appoint this person because you know this person is, you know, doesn't really have those qualities [of good representation], ... I don't think that [the CAPDS board does] a good enough job of, really holding those same attorneys to the same highest standards, and sometimes you might just have to get rid of people. I think there's a couple of stragglers who are still on that list that don't belong there, and I think everybody knows it."

Attorney Recruitment and Retention

This principle also emphasizes that the public defense providers should have recruitment and retention plans for their respective organizations²⁴. Stakeholders emphasized the struggle the public defense system, both the PDO and CAPDS, have in recruiting and retaining qualified attorneys. While not the focus of the principle, this shortage of attorneys is something all stakeholders felt acutely, regardless of their role in the county.

Most stakeholders, regardless of role, acknowledged that low salary in the PDO is one substantial challenge to recruiting and retaining attorneys. As one PDO representative points out,

[in terms of] recruitment and retention, some of it is going to be salary because in Travis County we are paying lawyers significantly less than similarly situated counties. Our minimum for attorney ones is in the 60s and other counties similar sized are in the 80s and so. It's really hard to recruit and retain when we're not paying people what they can make elsewhere."

However, stakeholders were encouraged by the passion and interest of recent law school graduates to work in indigent defense. Stakeholders suggested targeted recruitment efforts to law schools, both in Texas and outside of the state, to attract young graduates to the Travis County PDO. Additional suggestions included creating a law school graduate class of hires, much like the prosecutor's office does, to train recent graduates while they are studying for the Bar Exam. Regardless of recruitment efforts, all stakeholders felt strongly that salaries for public defenders must be comparable to prosecutorial counterparts. Additionally, stakeholders suggested implementing a career ladder within the county

²⁴ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

system to provide opportunities for professional growth and merit-based raises beyond standard cost-of-living adjustments

Principle 2: Funding, Structure, and Oversight

For state criminal charges, the responsibility to provide public defense representation rests with the state; accordingly, there should be adequate state funding and oversight of Public Defense Providers. Where the caseloads allow, public defense should be a mixed system: primarily dedicated public defense offices, augmented by additional Public Defense Providers to handle overflow and conflict of interest cases. The compensation for lawyers working for Public Defense Providers should be appropriate for and comparable to other publicly funded lawyers. Full-time public defender salaries and benefits should be no less than the salaries and benefits of full time-prosecutors. Other provider attorneys should be paid a reasonable fee that reflects the cost of overhead and other office expenses, as well as payment for work. Investigators, social workers, experts, and other staff and service providers necessary to public defense should also be funded and compensated in a manner consistent with this Principle. There should be at least parity of resources between public defense counsel and prosecution.²⁵

Funding

In general, most stakeholders in Travis County felt the county could spend more money on public defense services. Stakeholders recognized the importance of investment in public defense services, especially in comparison to their prosecutorial counterparts. However, stakeholders understood the constraints of the county budget and inability to 'wave a magic wand' to raise additional funds. As one county staffer pointed out, in Texas, unlike many other states, indigent defense is funded almost 90% at the county-level, requiring Travis County to fund the vast majority of the public defense system within the county. Stakeholders recognized their monetary investment in public defense will translate into stronger advocacy and more competent representation for the indigent defendants of their community. Additionally, it allows for an even playing field between the prosecution and defense in a criminal case, which many stakeholders placed a high value on.

"You know, we invest in prosecution, criminal justice, for public safety, for, you know, constitutional protections and everything. But at the same time, I think, you know, as the average taxpayer, like they want us to be responsible for the way we, you know, go about being the kind of steward of these funds. And so that's tough, right? So I think that, you know, this county invest in and invest strongly in indigent defense." – Judge

However, stakeholders felt that the current division of funding was not equitable when they considered the caseload or number of appointments being taken by the PDO in comparison to CAPDS. Many stakeholders felt the PDO was 'more

²⁵ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

expensive' than CAPDS, with some suggesting that county funds could be better spent if the funding was divided based on the caseloads of the respective office.

System Structure

According to the stakeholders interviewed, the PDO and CAPDS coexist within Travis County but have limited interaction beyond leadership-level meetings. Consistently, stakeholders from all backgrounds shared that CAPDS represented 'about 80%' of all of the cases, while the PDO represented 'about 20%' of all cases. Most stakeholders felt the PDO should be representing more cases. Stakeholders cited the original TIDC grant, their support for the PDO's model of representation, or desire for consistent representation as rationale for this belief. Stakeholders from all sides agreed that Travis County needs both CAPDS and the PDO. However, it was less clear as to which provider should be the 'default' for public defense services. Some interviewees expressed their preference for one provider over another in fulfilling that primary role of public defense services. Of those who expressed a preference, the majority supported the PDO as the primary provider of public defense services.

"I would say big picture I would have a primary public defender office handling 40% or 50% of the cases. I'd have a conflict defenders office handling another 20% of cases and I'd have a robust managed assigned counsel system CAPDS handling the remainder. Handling the ebbs and flows and when cases go up and down. I would have a separate the appellate and post-conviction division, which we don't have." – County Staff

Principle 3: Control of Workloads

*The workloads of Public Defense Providers should be regularly monitored and controlled to ensure effective and competent representation. Workloads should never be so large as to interfere with the rendering of quality representation or to lead to the breach of ethical obligations. Workload standards should ensure compliance with recognized practice and ethical standards and should be derived from a reliable data-based methodology. Jurisdiction-specific workload standards may be employed when developed appropriately, but national workload standards should never be exceeded. If workloads become excessive, Public Defense Providers are obligated to take steps necessary to address excessive workload, which can include notifying the court or other appointing authority that the Provider is unavailable to accept additional appointments, and if necessary, seeking to withdraw from current cases.*²⁶

Caseload Control

CAPDS attorneys and the PDO can both turn themselves off on the appointment wheels in Travis County. Through this process, the individual attorneys or PDO as a whole can control their caseloads. From the perspective of a CAPDS attorney, the current wheel-based system works well as the attorney themselves has the power to self-regulate their

²⁶ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

workload. Stakeholders felt that most CAPDS attorneys do a good job at self-regulating their workload, even if there were a few attorneys who they felt were carrying ‘too high’ a caseload. Stakeholders reported that CAPDS leadership does not get involved in their attorneys’ caseloads because they only have insight into the number of appointed cases the attorneys are taking, which may lead to attorneys carrying very large caseloads.

However, stakeholders expressed concerns with the current system because the PDO also has the same capability to turn off their capacity to take appointments. This can cause issues with CCA and with some of the individual District Courts, particularly when no CAPDS attorneys are available to take Felony A or Felony B cases. In these instances, the Office of Court Administration or the judge will be forced to reach out to a CAPDS attorney to request they take an appointment.

“So what happens is all of the attorneys on CAPDS may turn themselves off, which happens. All the time and CCA scrambles, begging and CAPDS individually calls their attorneys, can you get yourself back on the wheel, can you take one more case” – County Staff

Excessive Caseload

Overwhelmingly, stakeholders expressed that caseloads for both CAPDS attorneys and PDO attorneys are too high when they think about TIDC or national caseload standards. Stakeholders attributed the high caseloads for CAPDS attorneys to their desire to ‘make money’, the dwindling number of available attorneys on the Felony A and B wheels, and lack of oversight of attorney caseloads due to each attorney being in private practice. For PDO attorneys, the high caseloads were attributed to the county expectations and need to carry their weight within the office. It was clear that PDO attorneys were aware of the stress that high caseloads create and cognizant of the need to carry a caseload that would not require their fellow attorneys to pick up cases from them. Across the board, stakeholders were aware of the challenges that excessive caseloads present to attorneys and, by proxy, on their clients. Aside from recruiting additional attorneys, stakeholders did not have any additional solutions.

Adhering to Caseload Standards

When discussing caseload standards, stakeholders had conflicting opinions about whether or not attorneys from CAPDS and the PDO were adhering to standards appropriately. Stakeholders either did not know how attorneys’ caseloads compared to national or state standards or felt caseloads were too high compared to national or state standards. Largely, stakeholders felt that the attorney’s or PDO’s ability to self-regulate their caseload was working better than past systems.

When discussing CAPDS attorneys, stakeholders felt most were carrying a caseload that was well over the state and national standards. Stakeholders felt this was in large part due to the attorney’s mix of appointed and retained cases. However, stakeholders felt that CAPDS attorneys should be ‘turning themselves off the wheel’ from taking appointments

when their caseloads were 'too high' or became unmanageable. Though, it is unclear if this is happening in practice. Members of the judiciary explained that in the past, CAPDS or CCA would 'turn off' attorneys who had been appointed 'too many' cases, but they were unsure if this practice was still taking place.

By contrast, stakeholders, outside of those associated with the PDO, felt most PDO attorneys were adhering to state and national standards. According to one county staff member, "*[PDO attorneys] do have more controlled caseloads. So their caseloads are quite a bit lower than CAPDS though they tell you they're still too high. They're oftentimes like 1/3 of what they, you know, or half of what the CAPDS attorneys are doing*". The overwhelming perception is that PDO leadership and directors tightly manage the workload of the office by keeping attorneys as close to the guidelines as possible. According to one judge, "*I feel like public defender's office is very protective of the percentage of the caseload that they have and they really do try to keep that percentage locked in*". This perception has led to a significant amount of resentment among defense attorneys where PDO attorneys feel that CAPDS attorneys carry too high a caseload and cannot be providing quality representation to their clients and other stakeholders within the public defense system believing that PDO attorneys are not doing enough.

Overall, stakeholders from all backgrounds were supportive of adhering to state and national caseload guidelines but recognized the challenges with implementing these standards in their current criminal justice system.

"They're there so all of us working together can go to the County Commissioners and say: this is unacceptable, we need more money, we need more people, we need more funding, because we are not meeting the standards. They are not for any one of us to call like quits because we've reached the standards. I think they're for all of us to work together. I'm glad we have this standard that they are important as goals, but I think the way they need to be used when we realize that they're not being met that's should be a powerful tool for us all to go together and try to fix it." –

Judge

Principle 4: Data Collection and Transparency

To ensure proper funding and compliance with these Principles, states should, in a manner consistent with protecting client confidentiality, collect reliable data on public defense, regularly review such data, and implement necessary improvements. Public Defense Providers should collect reliable data on caseloads and workloads, as well as data on major case events, use of investigators, experts, social workers and other support services, case outcomes, and all monetary expenditures. Public Defense Providers should also collect demographic data on lawyers and other employees. Providers should also seek to collect demographic data from their clients to ensure they are meeting the needs of a

*diverse clientele. Aggregated data should be shared with other relevant entities and made publicly available in accordance with best practices.*²⁷

Broadly speaking, both CAPDS and the PDO rely on CCA to track appointments and case outcomes for the larger Travis County criminal justice system. However, stakeholders, primarily those associated with the PDO, disagree with CCA's historical approach to tracking appointments and what counts as a case. For example, the previous approach counts each client, regardless of the number of charges or cases associated with that client, as an appointment. For PDO attorneys, members of the PDO Oversight Board, and community advocates, this approach of defining what constitutes an appointment or case was viewed as not representative of the true workload of an attorney. As one attorney highlighted, while they may be working with one client, the attorney may be preparing for multiple cases by reviewing the facts of the case, preparing discovery, and conducting investigations for each charge: effectively doubling or tripling the workload. From the interviews, it is unclear to what degree the appointment process and case counts may be impacting CAPDS attorneys. County staff pointed out that CCA has changed the way they count cases in recent years, however, the perception of the old way of counting cases remains. CCA now captures the defendant and client relationship as an appointment and counts both number of incidents and causes. However, tension remains among stakeholders around the most appropriate method of counting appointments and cases to fully capture the caseload of an attorney.

Internally, the PDO tracks case notes, referrals to social workers, and other social services, expunctions and other case dispositions that may not be fully captured by the court's case management system. Stakeholders associated with the PDO felt strongly that these metrics, in particular dismissals, expunctions, and all the work that went into achieving these outcomes, are important measures of the work their office does, but may not be fully represented in the current data management system. By contrast, because CAPDS attorneys are private actors, it is unclear whether they track the same metrics for their own caseloads as they are not required to report these statistics.

Principle 5: Eligibility and Fees for Public Defense

Public defense should be provided at no cost to any person who is financially unable to obtain adequate representation without substantial burden or undue hardship. Persons should be screened for eligibility in a manner that ensures information provided remains confidential. The process of applying for public defense services should not be complicated or burdensome, and persons in custody or receiving public assistance should be deemed eligible for public defense services absent contrary evidence. Jurisdictions should not charge an application fee for public defense

²⁷ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

*services, nor should persons who qualify for public defense services be required to contribute to or reimburse defense services.*²⁸

According to stakeholders interviewed, all individuals who are detained for a crime in Travis County will be interviewed by Pretrial Services to determine their eligibility for appointed counsel. Defendants have the right to refuse to participate in this process and retain their own attorney. According to a member of the judiciary, “*I think they’re very generous in granting court appointed attorneys*”. Stakeholders reported that attorneys were appointed in about 70 – 80 percent of all cases, which they felt was slightly higher than the national averages but in line with the demographics of Travis County. Overall, stakeholders felt that Travis County erred on the side of appointing counsel to defendants, rather than being more stringent in the qualification process. As one member of the judiciary put it, “*I don’t know that they ever go looking behind that information to verify that information or not. I don’t know that it would be cost effective to do that.*” Generally, stakeholders were supportive of the generous approach to appointing counsel early in the process as it improved the defendant’s experience and prevented unnecessary delays in the case.

Principle 6: Early and Confidential Access to Counsel

*Counsel should be appointed immediately after arrest, detention, or upon request. Prior to a client’s first court appearance, counsel should confer with the client and prepare to address pretrial release and, if possible, probable cause. Counsel should have confidential access to the client for the full exchange of legal, procedural, and factual information. Waiver of the right to counsel and waiver of the person’s right to court appearance should never be coerced or encouraged. Before a person may waive counsel, they must be provided a meaningful opportunity to confer with a defense lawyer who can explain the dangers and disadvantages of proceeding without counsel and, if relevant, the implications of pleading guilty, including the direct and collateral consequences of a conviction.*²⁹

Attorney Availability

One key component of access to counsel that stakeholders from all backgrounds mentioned throughout interviews was a need for more defense attorneys in Travis County. The number of available attorneys for appointments began to dwindle before and accelerated during the COVID-19 pandemic, and, from a stakeholder perspective, has not recovered. By contrast, stakeholders’ perceptions were that the number of cases had increased causing significant concern for the trajectory of the criminal justice system without additional defense attorneys. Additionally, stakeholders reported concern about the size of the caseloads of CAPDS attorneys, especially because the full picture of their caseloads is not known.

²⁸ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

²⁹ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

When considering reasons for CAPDS attorneys to be unavailable, stakeholders stated that many attorneys left the wheels for private practice and are only accepting retained clients for monetary reasons. Moreover, some active CAPDS attorneys left private practice to join the County Attorney, District Attorney, and Office of First Appearance. Additionally, stakeholders stated that many times no CAPDS attorneys are active on the wheels due to the attorneys' high caseloads or having received too many appointments in a short period of time. In these instances, CCA will often be forced to personally reach out CAPDS attorneys to take additional appointments. Stakeholders reflected that PDO attorneys also turned themselves off from taking additional appointments due to high caseloads.

Travis County stakeholders reflected that while additional attorneys are needed for both CAPDS and the PDO, critically needed are Spanish-speaking attorneys. Stakeholders expressed concern over the growing population of defendants who need attorneys who speak their language, and the dwindling pool of attorneys who can meet this need. Some stakeholders expressed surprise, given the demographics of Texas, that there would be a lack of Spanish-speaking attorneys available, however, one Spanish-speaking attorney participant expressed growing frustration over carrying a caseload of only Spanish-speakers. This attorney reported a lack of appreciation and compensation for the additional work and skills required of Spanish-speaking attorneys.

In addition to Spanish-speaking attorneys, stakeholders expressed a critical need for experienced attorneys, specifically those who can represent F1 and F2 cases. Stakeholders reported these wheels, often referred to as the Felony A and Felony B wheel, frequently have no attorneys active and available to take cases, which leaves the courts in a precarious position.

Prior to the COVID-19 pandemic, stakeholders reported that CAPDS had over 200 active attorneys. By contrast, that number is closer to 150-170 now. Stakeholders suggested that to meet the demands of court appointed counsel, Travis County would need to return to pre-pandemic numbers of available attorneys. For each of the declines in the number of available attorneys, CAPDS and the PDO have found it challenging to replace those who have left and increase the number of available attorneys. According to CAPDS, they do not actively recruit attorneys per se but may do targeted outreach to members of the private bar from time to time. However, CAPDS has implemented strategies such as increasing the compensation for each case and changing the pay structure from a flat rate to hourly pay scale and has explored the feasibility of offering additional benefits such as insurance to attract new attorneys. Even though the number of CAPDS attorneys has fallen, stakeholders pointed out that it was important to uphold quality standards. Members of the judiciary highlighted the desire to maintain ethical standards, despite the decreasing number of attorneys.

For the PDO, stakeholders from all backgrounds agreed that more attorneys were needed to meet the caseload demands of the county and office. Stakeholders from the PDO mentioned that turnover within the office was an issue and attributed this turnover in large part due to low salaries and high caseloads. While others suggested the PDO has not

been able to operate at full capacity since the establishment of the Adult Criminal Division and attributed this to number of positions and salaries that were budgeted for in the grant to establish the office. Additionally, stakeholders reported the PDO often has open attorney positions and has found it challenging to fill the positions. Stakeholders attributed the difficulty in hiring to the low salaries relative to other jurisdictions, political climate of Texas, and challenges of hiring 'off cycle' for law school graduates.

Early Access

Travis County's recent adoption and implementation of CAFA has improved indigent defendants' access to counsel early in criminal court proceedings. Prior to the adoption of CAFA, stakeholders reported that the assignment of court appointed counsel could take several days, which could negatively impact the defendant, particularly if they were awaiting an attorney to assist with getting bond conditions signed. By contrast, the adoption of CAFA has improved the county's ability to assign court appointed counsel within 24 to 48 hours of qualification. Most stakeholders felt the early access to counsel improved the attorney's ability to develop a relationship with their client and began advocating for their client. However, at least one stakeholder felt that CAFA introduced an adversarial component to the magistration process that was unnecessary by having both the prosecutor and the defense attorney present.

Principle 7: Experience, Training and Supervision

A Public Defense Provider's plan for the assignment of lawyers should ensure that the experience, training, and supervision of the lawyer matches the complexity of the case. Public Defense Providers should regularly supervise and systematically evaluate their lawyers to ensure the delivery of effective and competent representation free from discrimination or bias. In conducting evaluations, national, state, and local standards, including ethical obligations, should be considered. Lawyers and staff should be required to attend continuing education programs or other training to enhance their knowledge and skills. Public Defense Providers should provide training at no cost to attorneys, as well as other staff.

*Public Defense Providers should ensure that attorneys and other staff have the necessary training, skills, knowledge, and awareness to effectively represent clients affected by poverty, racism, and other forms of discrimination in a culturally competent manner. Public defense counsel should be specifically trained in raising legal challenges based on racial and other forms of discrimination. Public defense counsel and other staff should also be trained to recognize biases within a diverse workplace.*³⁰

Through Principle 7, the ABA lays out the expectation that the attorney's experience, training, and level of supervision reflect the complexity of the case, and that attorneys should be regularly evaluated and offered additional trainings to

³⁰ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

support their professional development. In the following sections, we discuss how CAPDS and the PDO address each of these areas. The offices' organizational structures heavily influence the differences we see.

Experience

One judge summarizes many of the key stakeholder observations on experience levels when they note:

"there is definitely this feeling that public definers are kind of new, a lot of them are from out of town and they kind of came on the scene relatively recently. Compared to most of the CAPDS appointees, [who] have been working Travis County for many years, are older, have more experience, are willing to go to trial more" – Judge

CAPDS attorneys tend to have more years of professional legal experience compared to PDO attorneys. A judge clarifies that a younger attorney is typical of a Public Defender office when they say: *"[The PDO attorneys are] young which is going to be the situation with any public defender, there's nothing wrong with being young. But if I had a magic wand - it would be experience - raise the level of the experience of the attorneys in the public defender's office."*

Multiple stakeholders drew our attention to attorneys needing more experience in trials or specifically in local protocols. The consensus is that law, processing, and cultural norms are different in Texas overall and Travis County specifically, and that younger attorneys lacked the skills and knowledge to navigate these nuances. One judge noted that, despite the available experience, they still had struggles appointing an attorney for more serious felonies like capital cases.

There is also noted concern about balancing the experience needs with hiring and compensating attorneys. One individual described the system as cannibalizing itself by reallocating funds from senior positions to better compensate newer attorneys, resulting in fewer experienced attorneys available for complex cases and limited opportunities for career advancement.

"[Decision-makers] cannibalize the higher positions to better fund the lower position. And now those lower position people are gaining some years of experience and want to be able to move up and there's no positions to move in, so now they want Commissioners to backfill with more expensive positions. But the challenge there is even if they do backfill them, they're promoting people that have never tried a case or have rarely tried a case into a position where you have to try cases. That is the real question and challenge that we have both for the public defender in in particular, but a little bit for the private bar as well." – CAPDS

A representative from the PDO echoes this concern, noting that with this recent attempt at pay adjustment has come along the unintended consequences of capping the level of experience attorneys can achieve. They lament that:

"there is no upward mobility after a certain point, and in fact, like the system is built so that you're not guaranteed any upward mobility. So like we have this tiered like what they call a career ladder of like, based on years of licensure...and then you might be eligible for this different pay grade when you move from attorney 1 to Attorney 2.

[But raises are] not built into our budget. And so if we do not have the extra money because we had a bunch of trials and to spend a bunch of money on experts. Nobody's moving up. And then once you get to, I think like 10 years of licensure, you're just done and then you just like, live off cost of live adjustments, which are at the leisure of the County Commissioners...But there's just no sense of you can really make a career here. Like [you can't be] here long term in ways that many other public defender offices do have." – PDO

Training

Representatives from both offices describe satisfaction with their training processes for new hires or new panel attorneys. The training is structured similarly - training related to processes and legal knowledge combined with a mentor. CAPDS training is approximately a week followed by connection to a mentor; whereas PDO's training was described as spanning multiple weeks. Stakeholders outside the CAPDS and PDO were less satisfied with trainings and mentorship, noting that more was needed.

Stakeholders felt that the key place for improvement is through cross-training. Cross-training was discussed in relation to CAPDS and PDO training together but also the two offices cross-training with court and county staff. A county staffer member took this critique a step further as they contend:

"in general, in terms of training, both [offices] are fairly insular. And what I mean by that is they are not cross training across their organizations but even more than that, they are not very engaged with state or national training organizations. So when I go to [national or state events], I don't see anybody from Travis county, they are not really involved there. They think they have everything they need right here"

Supervision

The differing structures of the organizations is most apparent in the way supervision, evaluation, and discipline of the attorneys occur within each office. As hired employees, PDO leadership has more formal authority over their attorneys. As opposed to CAPDS leadership, who must treat the attorneys as contractors. A county staffer describes the issues best: *"it's different because those contract attorneys are not directly employed by CAPDS so [CAPDS leadership] can't directly supervise them in the sense that an employer would, because if they did, they would run afoul of IRS regulations. But they do general oversight of attorneys."* While both offices have staff tasked with supervisory responsibilities, according to interviews each supervising attorney at the PDO is responsible for approximately 4-6 attorneys, compared to CAPDS, where each supervising attorney oversees 40-50 attorneys.

Stakeholders felt CAPDS leadership can only be reactionary to complaints or other attorney issues, and do not have the capacity or authority to be more formally involved in a more proactive manner. When a CAPDS attorney underperforms, CAPDS leadership brings the information to the review committee, and the committee can decide whether to take disciplinary action. The review process is slow and disciplinary action options are somewhat limited as the committee

can remove an attorney from one of the appointed lists (usually taking them off felonies and allowing them to still defend misdemeanors) or assign additional training and coaching. Removing an attorney from all lists is rare.

As one Judge quips:

“How do you fire someone from CAPDS? You just take them off the list, but at what point? There’s at least one attorney I know that has gotten bad marks from all the judges. And I still see them around...Like, I don’t know anyone that’s been fired from the PD’s office. But like I feel like they have that hanging over their head. if you don’t listen to your chain of command like you know you will be fired” – Judge

In contrast, the PDO follows more traditional HR guidelines. Where any staff member (attorney or support staff) will first receive feedback and coaching when a problem arises. If there continues to be an issue, they may put them on either professional development plan or performance improvement plan for 30-60 days. If performance does not improve, the employee would be terminated.

Principle 8: Vertical Representation

To develop and maintain a relationship of trust, the same defense lawyer should continuously represent the client from assignment through disposition and sentencing in the trial court, which is known as “vertical” representation. Representation by the defense lawyer may be supplemented by specialty counsel, such as counsel with special expertise in forensic evidence, immigration, or mental health issues, as appropriate to the case. The defense lawyer assigned to a direct appeal should represent the client throughout the direct appeal.³¹

Stakeholders touted the value of vertical representation, staying with a client from start to finish, as useful to give the best defense. They feel vertical representation allows the attorney more time to get to know the client and their specific circumstances plus minimizes the time the client goes without legal advice. Although there were some proponents of a horizontal model, especially in light of CAFA. The idea being that a horizontal model would be more efficient and attorneys could specialize (be experts) in each step of the case, as opposed to having to know it all.

Since CAFA, attorneys are typically assigned at magistration to follow the defendant through the case. However, the number of defendants magistrated during certain shifts fluctuates enough that it can create uneven, and sometimes unreasonable, workloads as the case progresses past magistration. A PDO representative explained that they are currently having to deviate from this model and the potential effects:

“We’re putting a little flexibility into that [process]. So some people with high caseloads will just represent those people at magistration and won’t take their cases back to the office and keep them. And I talked to my colleague who worked one of those shifts last week... [they said,] ‘it’s almost harder’. Because we normally we get up there in front

³¹ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

of the judge and our bond advocacy is such that [we say]: 'we're going to stay with this person. We're going to have our social workers talk to them. They're going to be connected to resources and we can't say that if we're not keeping those cases. But if we kept all of them, we wouldn't be able to offer any of those services to anybody." – PDO

Principle 9: Essential Components of Effective Representation

*Public Defense Providers should adopt a client-centered approach to representation based around understanding a client's needs and working with them to achieve their goals. Public Defense Providers should have the assistance of investigators, social workers, mitigation specialists, experts, and other specialized professionals necessary to meet public defense needs. Such services should be provided and controlled by Public Defense Providers. Additional contingency funding should be made available to support access to these services as needed. Public Defense Providers should address civil and non-legal issues that are relevant to their client's cases. Public Defense Providers can offer direct assistance with such issues or establish collaborations with, or provide referrals to civil legal service organizations, social services providers, and other lawyers and non-lawyer professionals.*³²

The stakeholders elaborated on the PDO handling of additional legal matters for the client, their use of professional supports, and how they connect clients to social services ,all critical pieces of Principle 9

Handling Legal Matters

The PDO has a history and culture of assisting their clients through additional legal processes, including license suspensions, parole violations, CPS investigations, and other collateral processes. Still the PDO representatives lament their limitations, wishing they had more expertise in house to support clients through family representation matters, evictions, and expungements.

On the other hand, we heard of barriers to CAPDS attorneys being able to offer the same services. Until recently, CAPDS has not had specific funding to do so. As one administrator points out this discrepancy "*sets up a totally inequitable system.*"

Access to Professional Supports

The difference between CAPDS and PDO use of professional supports – social workers, investigative services, and immigration attorneys – lies in their differences in structure. A county staffer best illustrates this difference, placing the need for services in context:

"[CAPDS attorneys] work at home and they don't have support staff...The volume of body cams and digital discovery and cell phone extractions. Like one solo defense attorney trying to process that evidence when they have 70 plus

³² American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

clients is just unimaginable. And then they might get like a social worker from CAPDS assigned but that person doesn't necessarily work with them, and so they're not like part of the defense team, right? The CAPDS social worker will write a letter or the immigration attorney will provide Padilla advice. But at the public defender, that defendant has an entire team. They've got support staff, the social workers are part of the team, the investigator and immigration attorney's part of the team and everybody's working for that client. That's just a huge plus."

Stakeholders agree that there is room for improvement. For PDO, representatives want to increase the number of social workers to be able to provide more services to clients, including walk-in hours to help clients navigate systems. They also felt they have to triage investigative services and that the attorney still handles much of the investigation themselves as part of their legal responsibilities. For immigration issues, PDO representatives feel their immigration legal team does a great job.

For CAPDS, access to investigative services seems to be satisfactory but there is less use of the social workers and immigration attorney expertise. A county staffer elaborates on this point while offering context:

"For better or for worse, [the] more seasoned attorneys at CAPDS have been around the block - they have tried murdered cases, sex assaults, burglaries, guns and drug cases and all that. [A lot of them] have been doing it for a few decades...so they are not afraid of trial. They are not afraid to stand up in court...But they also tend to have, and this is kind of a cultural issue in the bar generally and in Travis County as well, they tend to not have a very client centered approach to representation. There are exceptions to that, again painting with a broad brush, but a lot of times they don't work the cases as thoroughly. They are not afraid to go to trial but a lot of them are spending less time with clients in their communities and their families. They are underutilizing resources like social workers and Padilla attorneys compared to the public defender."

Connection to Social Services

There is a rising expectation that attorneys help clients obtain needed social services. One respondent summarized why these supports are important to clients but also the challenges that arise in doing so.

"For example, it's very difficult to show up to your court cases if you're having trouble like staying in your apartment or if you're an indigent client and you need your birth certificate to prove something. Maybe you don't have the 30 to 50 [dollars]...to get a birth certificate printed. Things like that seem to me like such a low hanging fruit that the county could very easily pay for if it had the mechanisms in place...We can't control every outcome of every case of course, but for easy stuff like having your papers, we should be able to have that not be a problem. [The providers] shouldn't have to wonder, can this be paid for? They should just know we can take care of that so. Those client needs, those just daily client needs. It shouldn't be a question. And right now it definitely is." – County Staffer

Multiple stakeholders provided similar anecdotes, making the case that supporting a client holistically can lead to better legal and personal outcomes for the client. Multiple Public Defenders told us their biggest successes are when they can obtain the social services needed for clients that prevent them from reoffending. Access to housing and mental health services were the most in need. One participant noted that helping a client obtain SNAP benefits, in turn gets them access to a stable cell phone which can also be used to discuss their legal case.

The consensus from stakeholders is that the PDO is more likely to use and provide these services for their clients, especially for cases assigned to the mental health attorneys. A judge notes about the PDO: *"they represent their clients well in the sense that they really look at them and what societal need this individual has and wrap around services and what is available for treatment beds and how do we get them to treatment. They are really good, probably better than CAPDS at putting together a plan for their individual file."*

A CAPDS staff provides a notable counterargument when they state that the legal outcomes would have likely been similar regardless of the level of services. They suggest: *"[you could give those cases to another attorney] and probably would have the same legal outcomes, you know? And so no, I'm not saying that we get the same outcomes. Hopefully all that case management led to better life outcomes, but legal outcomes would have been nearly identical."*

Principle 10: Public Defense as Legal System Partners

*Public Defense Providers should be included as equal participants in the legal system. Public Defense Providers are in a unique position to identify and challenge unlawful or harmful conditions adversely impacting their clients. Legislative or organizational changes or other legal system reforms should not be considered without soliciting input from representatives of the defense function and evaluating the impact of such changes on Public Defense Providers and their clients. To the extent any changes result in an increase in defender workload or responsibilities, adequate funding should be provided to Public Defense Providers to accommodate such changes.*³³

In previous sections, we have discussed how the CAPDS and PDO coexist, here we build off those findings to discuss how these offices fit into the larger legal system. The ideal set forth by the ABA is that public defense should be an equal partner in the legal system, with an input into the system's functioning and adequate consideration when there are workload and funding changes. One county staff member affirms the value of both CAPDS and PDO at the decision-making table:

"[CAPDS and PDO] both offer services to indigent defendants, [both leaders] are available for meetings and have a strong voice. It's helped a lot...having any defense voice at the table... and now having two, [really three if you add in

³³ American Bar Association, *Ten Principles of a Public Defense Delivery System* (Chicago: American Bar Association, 2023).

CLS]...there's just a stronger institutional voice....Travis County's voice for the defense... that I think helps a lot in terms of planning and budgeting." – County Staff

Currently, though, the offices are perceived differently, impacting the full integration of public defense. The consensus from our interviews is that CAPDS office has better relationships with the County Commissioners and is more integrated into the Travis County legal system.. We suggest a few reasons underlying this division based on our interviews.

For one, CAPDS is the more established entity when compared to PDO. CAPDS had longer time to build out relationships. CAPDS was also seen as a compromise solution to fix judges having responsibility for assigning lawyers without fully establishing a PDO (which there was reluctance to do at the time of CAPDS establishment). As one representative points out, even with the addition of the PDO there is a preconceived perception that PDOs can take money away from appointed attorneys, suggesting a more difficult path to integration. They note:

...the creation of a public defender's office may be seen rightfully or wrongfully as cutting into a world that had been previously dominated by private lawyers either affiliated with the panel or not affiliated with the panel. And from a business model and other things where, that's something that I think people think about. So...there were actual barriers being erected to the public defenders being sort of brought into this community that I think I will say is not new. It is not new. It is not unique to Austin. It is not unique to Travis County, but it did happen here" – PDO

Another reason for the difference can be summed as different perspectives on the role of defense. One county staff notes: *"it feels to me like there's a real difference in philosophy [between the two offices] and how to represent defendants."* Another county staff adds that in stakeholder meetings, *"[PDO representatives are] there on behalf of indigent people charged with criminal crimes, [CAPDS] is there as part of the Travis County criminal justice system."*

Finally, we heard of different leadership styles that focused on building out institutional partnerships compared to building out community partnerships. A CAPDS representative highlights the philosophy CAPDS leaders have used over time:

"As an institutional player, it's my belief that at least in the community that we operate in, which is the South, is Texas, is Travis County, building relationships allow us to effectuate change that we see is important because you know one of the things that CAPDS really had to struggle with was getting a seat at the table...And so from day one, a really important piece for [CAPDS leadership was] just being available, making sure that [CAPDS leaders] are always at the table and I think anyone will tell you, [the leaders are] happy to point out problems...but with the idea of this is what [we] need to make this work or whatever. My idea is not to stop the process or derail the process most of the time...And so, admittedly, we've had to compromise over the years." – CAPDS

On the other hand, PDO leadership is noted for bringing the advocacy groups together to the benefit of overall public defense. A county staffer notes the value of this inclusion: *"it's better in my mind to have the advocates involved than*

not for balance. I think they are an important source for pushing Commissioners and other stakeholders...to do the right thing and I think that's great."

Quality Representation

We asked interviewees how they defined quality representation and then to compare CAPDS and PDO to these definitions of quality. One definition of quality summarized many of the key points that others felt were important:

"Quality representation to me means someone who takes the time to talk to their client, to understand their client's life and the challenges that they may have in their life, the commitments they have in their life whether it's work or children. Even sitting down with them to have a full conversation with them. Coming to court in every single setting. Communicating with their clients regularly. Being transparent with their clients about what is happening with the case and being a fierce advocate. So, speaking to the state, asking for discovery, looking through the discovery. Moving the case forward so that it is not stagnant."

Communication with the client and knowledge about the case and legal options were repeatedly emphasized. Empathy towards the client and respect (especially in not wasting the client's time) were also noted as key traits. One attorney notes: *"I do not think it's quality representation when attorneys think that they can just make all the decisions for a client because it's not their life...it's the client's life. It's not my job to play God in a case; my job is to play advocate. And so I think it starts with that kind of recognition that this is a living, breathing human being that's like relying on you."* Another adds: *"[dedication comes first] ...because you can always pick up the knowledge. There's always people out here to help you if you need that."* Others discussed their role in helping the client choose the right path.

Finally, a common theme across discussion was the emphasis on providing "holistic" representation. This was summed best when PDO attorney notes: *"Quality representation means, in many respects, holistic representation. Assessing clients' other needs beyond just the Criminal Court case and trying to link them up with those services. I think for many people that we encounter, we have a lot of misdemeanor charges that will end up getting dismissed, but they get dismissed cause we've helped people get into treatment and get housing, get a caseworker, get them in touch with people who can help them with their CPS case and stuff like that. That is very important."*

Performance or Perceptions of Quality: CAPDS

Many respondents felt it was particularly difficult to make a comment on how well CAPDS reflected their quality standard as the attorney pool is so variable. One judge summarized this struggle:

"I would say with CAPDS, there's just a wide range. There's some excellent attorneys who are some of the best attorneys I've ever worked with in my career...for me what's important for defense attorney to be able to do is be able to effectively advocate for their client, whether it's because there's mitigation and they trying to evade for a different

sentence or to highlight facts or weaknesses in our case that would warrant a rejection or warrant a different level of charge or sentence. And to have trial skills, right...There's some really good CAPDS attorneys who are excellent at all three and just I know if they're going to come for a meeting, they're going to come prepared with all the information and they're really gonna fight for their clients. Then there's some CAPDS attorneys who are horrible, right? We call them the shufflers and the reason we call them that is they shuffle from the prosecution table to their client to convey the offer. Then they shuffle back and say whether or not their clients accepted it. You know, like they don't fight for their clients. They don't go to trial. They probably don't read discovery, they just file paperwork around and shuffle themselves around. A lot of the old guys left during the pandemic, so the worst CAPDS attorneys who are really old and just kind of worthless, they a lot of them left during the pandemic and retired, but there's still some around. I don't see them very often though."

When interviewees did address this issue, the consensus was that CAPDS attorneys tend to have more experience, greater knowledge of the local Travis County practices, and are more prepared to litigate compared to PDO. On the other hand, they are less likely to provide holistic representation, meet as frequently with clients or families, or spend much time on a case.

Performance or Perceptions of Quality: PDO

Similarly, opinions about the PDO were generally mixed, with multiple stakeholders saying that it was too difficult to evaluate the office as a whole, and that quality largely depends on the individual attorney. A few wanted to withhold judgement until observing an attorney in court. Among those who could make comparisons, stakeholders emphasized that PDO attorneys excel at holistic defense and client advocacy.

A judge states:

"I truly appreciate the way that the PDOs office goes above and beyond to address court issues. I take a very similar approach when I have an individual in front of me who is not complying on bond, for example. I want to get to the root issue to figuring out why that's happening. And I think the PDs office is also very interested in doing the same. And so what I appreciate about that is that...they truly care about their client on a deeper level, which is allowing us to work together as a court to help someone get on track or to be in compliance. And so the interactions have been very positive."

Some noted that the advocacy could come off as over-zealous, which was seen as both positive and negative. Positive in that they are passionately fighting for their clients, negative in the sense that it can seem antagonistic and may not always produce the best outcomes.

Quality Comparison: CAPDS vs PDO

A few stakeholders made specific comparisons between CAPDS and PDO attorneys, highlighting notable discrepancies. One judge contends “*I think the best lawyer on the CAPDS list is better than the best public defender, and I think their worst lawyers are probably on par*”. Another judge echoes: “*if someone that I deeply cared about and loved was charged with a crime, there are very few people on the CAPDS list that I would not want that person to have...I would never in a million years let anyone in the PD represent someone that I love.*”

In fact, one county staff member confirms this and points out the resulting problem:

“If you ask the five Commissioners here if they got arrested, would they prefer PDO to CAPDS, they will tell you CAPDS. They will tell you that they have more experienced attorneys that are a lot better. If you ask the judges here, if they had a loved one arrested, who would they have them represented PDO or CAPDS? To a person I think they would say CAPDS. If you ask the community members they would say PDO. And that's a big gap.”

It should be noted that the advocacy groups we met with did not specifically make comparisons between CAPDS and PDO quality. However, their definitions of quality representation and their support tend to better align with PDO, adding validation to the comment by county staff.

The Role of Commissioners Court and County Leaders

Travis County has a reputation for a collegial environment among its legal stakeholders. For those who have participated in the Travis County system for many years, it was ‘just the way things were done.’ For those who were newer to Travis County, it felt like a shock to the system. Given the culture of Travis County, stakeholders also had opinions about how the Travis County Commissioners Court and county leadership impacts the public defense system.

A consistent theme mentioned by stakeholders was that the Commissioners Court did not fully understand the needs of the public defense system, and more specifically the PDO. Many acknowledged that the backgrounds of the Commissioners did not provide them with detailed knowledge of the criminal justice system. Stakeholders did not fault the Commissioners for this but recognized the gap in their knowledge and thus the challenge of building this knowledge while working toward policy changes within Travis County. Additionally, stakeholders felt it challenging to build consensus among themselves and the Commissioners for a shared vision of the full scope of public defense services within Travis County. Stakeholders also cited Commissioners Court turnover as a challenge to building consensus. In addition, stakeholders reported the efforts to engage the community have fallen short. Community members felt it was more like perceived engagement versus real engagement in the process. While stakeholders felt that Commissioners Court was making a ‘good faith effort’ to improve the public defense system, it was unclear what the realized vision of the system should be. One key example stakeholders gave was a perceived lack of respect for the principle of

independence of the PDO. Stakeholders felt this principle was frequently overlooked or ignored due to the PDO's status as a county department.

Stakeholders frequently acknowledged the challenges the PDO faces as they work to operate an independent office within the larger county ecosystem. The PDO, and more specifically the Chief Public Defender, reports to the Commissioners Court, which has created tensions among stakeholders during the budget request cycle as well as during the drafting of bylaws for the PDO Oversight Board. By contrast, because CAPDS is a nonprofit organization they are viewed as more collegial. Additionally, the CAPDS leadership has adopted a different approach in relationship development and interactions with the Commissioners Court. This dynamic leads to tensions among public defense leadership as well as the Commissioners Court. As one county stakeholder observed, *"I think that leadership at the public defender's office needs to kind of change their approach a little bit not in terms of like tenderness. I think they ought to be just like zealous as they are. That's fine, but more in like building relationships."*

Frequently stakeholders referenced the budget development process as an area for improvement among public defense stakeholders. Stakeholders all stated that more money is needed for public defense, and specifically for PDO salaries, but recognized that almost all other Travis County departments are requesting raises for their employees. The difficult decisions of how to allocate the finite amount of funding falls to the Commissioners Court. Because this area is approved by the Commissioners Court, it was often seen as the Commissioners Court driving the decision making. However, as one stakeholder stated, the preliminary budget decisions are made by the Planning and Budget Office, who, in conversations with stakeholders, makes recommendations to the Commissioners Court. Thus, the Commissioners themselves are not likely to know the details of the needs of each department as well as the Planning and Budget Office. Stakeholders recognized the importance of being included in these conversations early and building relationships with the Planning and Budget Office employees who are driving these decisions. Despite the area of budgeting being one of contention, stakeholders recognized the Commissioners Courts willingness to invest in public defense, however incrementally, each year. This represented a positive step forward to stakeholders and a desire to continue the conversation.

Despite the challenges structurally inherent to the county governance system, stakeholders recognized the generous benefit packages, specifically the retirement benefits, offered by the county as an attractive perk of working for the county. In one case, a stakeholder suggested the county could do more to attract and retain attorneys to public defense by advertising the generous benefits associated with county employment. However, PDO attorneys did mention the Trauma Leave benefit afforded to other departments, such as first responders, and suggested it would be beneficial to their department to utilize this benefit as well. PDO attorneys expressed they are frequently experiencing secondary trauma through their clients' experiences and suggested the Trauma Leave benefit could aid attorneys in taking care of themselves.

Successes

Overall, stakeholders reported the Travis County public defense system has many successes to celebrate. Stakeholders acknowledged successes for the system as a whole as well as CAPDS and the PDO individually.

Public Defense System as a Whole

Regardless of role, stakeholders felt the public defense system was evolving and improving. The creation of CAPDS and subsequent formation of the PDO have each been a step in the evolution and expansion of the public defense system of Travis County, which has allowed the system to operate better than it has in any past iteration. The establishment of each entity has created opportunities for growth and collaboration among stakeholders. All stakeholders expressed support for both CAPDS and the PDO, and a desire to retain both entities within the public defense system. Stakeholders felt the unique system of both actors within Travis County was serving the county well. Many stakeholders also acknowledged that each has made the other better in some way. CAPDS has shared their 'local flavor' and knowledge of the norms of the Travis County legal system with the PDO attorneys and the PDO's approach to client-centered holistic defense has influenced CAPDS attorneys' approach to client introduction emails and mitigation packets. Stakeholders acknowledged that for all actors within the system the shift to a client-focused model and a desire to provide quality defense services has improved service delivery within the public defense system. According to one staff member,

"I think Travis County is definitely focused on the defendant in the sense of public defense, and so there's or a lot of Travis County is, and so it's that it's not about like how do we make the public defense system work within our system the best that it can. There are always some people that want it to do that. But I think that having the expansion in the system that we've done in the last 10 to 15 years has really created space for allowing the defense to not be seen as just clogging up the works by enforcing people's rights. And so, I think that's helped a lot. I think that's good in Travis County."

Stakeholders highlighted Travis County's client-focused approach to public defense services and outcomes, specifically mentioning the specialized dockets like the mental health docket, where specialized prosecutors and defense attorneys work together to achieve the best possible outcomes for their clients. Additionally, stakeholders drew attention to Travis County's focus on diversion programs which are designed to treat defendants underlying conditions and focus on rehabilitation as 'cutting edge'. Stakeholders also praised Travis County's push for early access to representation through CAFA. Many stakeholders were supportive of the program and complimented the county's investment in this program.

Stakeholders also praised the leadership of county offices as well as CAPDS and the PDO. Even though each leader has a different perspective, stakeholders suggested the strong institutional voices and desire to work together for the

greater good were what set the leadership of the Travis County public defense system apart from other jurisdictions. As one member of the judiciary stated:

“And so, you know, the way I look at it is that, you know, we all ultimately want the same thing, and that is kind of the best possible criminal justice system and outcomes that we’re seeing for all of the parties involved. And everybody has a different role than that. And I respect that. My role might be a little different in that I don’t have an advocacy position. And so I feel like having been an advocate that, you know, I kind of have a very broad perspective. And so I think that they both, leadership-wise, do a quality job for their respective organizations and their objectives within this justice system.”

As stakeholders from all backgrounds considered their successes within the Travis County public defense system, it was very clear that individual client wins are the motivation to continue in this work. For most stakeholders, the individual client success stories they shared were the cases that continued to feed their passion and inspire them to continue in public defense. One member of the judiciary summed up this phenomenon:

“And I see, you have to, it’s a calling. I mean, you don’t get paid that much. And compared to other lawyers, you just have to love it. And that’s what keeps me going, is if you get to help people every day, like get their lives in the right course. That’s why it’s rewarding.”

CAPDS-Related Successes

For CAPDS, stakeholders recognized the success of the organization in building a coalition of private attorneys centered around one mission. While CAPDS may not directly supervise these attorneys, the organization has made great strides in building and maintaining quality standards. In doing so, CAPDS has built a good reputation as an organization and as individual attorneys within the public defense system of Travis County. Stakeholders acknowledged there were some bad actors, but for the most part, the quality of attorneys associated with CAPDS was very good. CAPDS’ recent transition from a flat-fee model to an hourly pay model was also praised. Stakeholders felt this transition was helpful for the organization in attracting and retaining attorneys to practice in Travis County and brought the county to a more even playing field with neighboring counties.

Stakeholders specifically highlighted CAPDS efforts to increase the resources available to attorneys for use on cases such as Padilla attorneys, investigators, and social workers. These additional resources provided by CAPDS aid the attorneys in providing high-quality defense services without having to invest directly in providing these services themselves. Additionally, stakeholders felt CAPDS was doing an excellent job in mentoring junior attorneys. CAPDS mentorship program was highlighted in discussions as an excellent training opportunity for younger attorneys to gain valuable experience.

According to stakeholders, CAPDS leadership has worked diligently to build a relationship with stakeholders in the Travis County public defense system. Many stakeholders mentioned they had CAPDS leadership's phone number and felt they could call at any time they had a concern. They also reported regularly seeing CAPDS leadership around the courthouse observing junior attorneys. As a result, CAPDS leadership is viewed as very responsive to any concerns raised about CAPDS attorneys.

PDO-Related Successes

Stakeholders recognized the PDO for high, functioning office and cohesive culture. Overall, stakeholders felt that PDO attorneys provided a consistent level of practice and representation. PDO attorneys were frequently recognized by stakeholders as 'passionate advocates' or 'zealous advocates' for their clients. Stakeholders felt this advocacy was important an important attribute of what set PDO attorneys apart from their CAPDS counterparts.

Additionally, stakeholders praised the PDO for their 'institutionalization' of public defense. As stakeholders saw it, PDO attorneys were more than willing to cover for one another in hearings and a sense of camaraderie among the attorneys. As one member of the judiciary shared, "*I think that's 'cause they're under one office, right? And so they have a director who's giving them guidance, they're receiving similar training. There's this overall expectation of representation, not only means legal representation, but caring deeply.*" Stakeholders recognized the consistent leadership and messaging PDO attorneys receive from their Chief PDO and directors. This leadership and management foster the culture of the PDO.

Despite the relatively young age of the PDO, stakeholders praised the office for its ability to recruit attorneys from outside of Texas. Stakeholders recognized this recruitment is bringing new attorneys to the state who would have otherwise not moved to Texas. Additionally, stakeholders reported the PDO has a strong reputation for its representation and client-first practice outside of Travis County and the state of Texas. Stakeholders felt this reputation was something the PDO could continue to build upon.

In addition, stakeholders from all backgrounds recognized the PDO's emphasis on holistic representation. PDO attorneys recognized their client's criminal legal issues may be interwoven with other social issues and reported working diligently with their social workers and other community partners to assist their clients in whatever ways they needed. This desire to meet their clients' needs where they are was recognized by all stakeholders. As one member of the judiciary recognizes, PDO attorneys have more familiarity with the social services available:

"I think there's a wide knowledge around nonprofits and what's available in Austin by the PDOs office. And I don't know how they all have that knowledge that they're very well versed in. 'oh, my client has this social issue. I can connect them to this nonprofit' or they've already built referral systems out. So there's a systemization around resource connection that I don't necessarily see with, CAPDS [attorneys]."

Stakeholders recognized the growth and additional resources the PDO has allocated to hiring more social workers to address these concerns. In addition to social services and connection to nonprofit organizations, PDO attorneys and stakeholders praised the PDO's efforts to represent their clients in peripheral cases, such as Administrative License Revocation and other civil matters that are connected with the criminal case. Stakeholders recognized the importance representation in these hearings can have on the outcome and pointed back to the holistic defense and client-first model employed by the PDO as a successful way to operationalize this tenet.

Challenges

When we asked stakeholders how satisfied they were with the current public defense system in Travis County, most stated they were either dissatisfied or somewhat dissatisfied. All confirmed that there was room for improvement. This led to additional discussion on what challenges Travis County is facing, beyond the principles discussed above. We have organized the key challenges identified into those that affect the public defense system as a whole, challenges related to the PDO, and challenges related to CAPDS.

Public Defense as a Whole

Siloed System

Multiple stakeholders described the current system as siloed, in part because of the division between PDO and CAPDS, but also disconnect between various sectors. The courts, prosecutors' offices, the community advocates, and pretrial services were other examples of system disconnect. Each court acts independently meaning attorneys must learn the rules, protocols and preferences for each. The feeling is that there needs to be less division and more collaboration between these entities, with acknowledgement that they all have critical roles to play. In doing so, we were told, the entire county would be better poised to address larger systemic and inequity issues facing criminal justice.

Different Offices are Creating Inequity

Relatedly, the differences between PDO and CAPDS are creating different experiences for an indigent defendant. A county staffer provides an overarching view of the expectation and the reality of this divide.

"I think there was a hope by the community that with the creation of the public defender's office and the expansion of CAPDS, there would be a rising tide and all ships would benefit, right. And that I don't think that's really happened...It's great that [the PDO has] raised the bar for 15 or 20% of clients, wonderful. Four fifths of clients still going to CAPDS and we've under invested in CAPDS in the meantime. And the PD office keeps on saying that their caseloads are too high and their staffing ratios are not good enough, and all this kind of stuff. Their staffing ratios and caseloads are way better than CAPDS...I think as Commissioners, like you're looking at that problem, where are you going to invest? Like sure, maybe things could be better with the PD office for your 20% of clients, but what about this other four fifths do we just ignore that? Do we ignore those folks and just not invest there?"

Other participants echoed similar thoughts noting the differences between caseloads and the ability for PDO to take themselves on and off the wheel that CAPDS does not have. Others noted the differences in court, as a Judge exemplifies: *“really the protocols and the amount of trials and ways of interacting with the court are pretty disparate [between the two offices] ...that makes me feel like there are inequities being provided to the defendants and that is not fair.”*

Still others noted differences between services/resources each office can offer. Access to support services is disparate between the two offices. A CAPDS representative points out: *“[CAPDS has] a social services team of like 5 doing 85% of cases. [PDO has] a social services team of like 13 doing 20% of cases...skewed towards misdemeanors...with serious felonies being like maybe 5%. And that that has been an area of frustration as a resource allocation.”* There is a noted lack of Spanish – speaking attorneys through CAPDS. On the other hand, we were told CAPDS recently received a grant to help cover transportation costs for clients to get to court. One county staffer calls it a two-tiered system and laments: *“what’s the plan for the next 15 years? Are we just going to live with this two-tiered system forever? And I think the answer is we’re going live with this two-tiered system forever. And it makes me very sad.”*

Administrative Barriers

Some attorneys felt the amount of paperwork they are asked to do is especially burdensome. They made comparisons to other jurisdictions and noticed that Travis County relies more heavily on physical paper (as opposed to electronic processing) and that bringing the paperwork from department to department often falls to the public defender. Getting relevant information like a 16.22 document to the right entities can also be difficult.

One CAPDS representative describes the unintended consequences that growing reliance on diversion programs is having on attorneys:

“We’ve done a lot of diversion work in Travis County, which has been great, but almost all of that work is transferred to the defense bar...And it’s work that defense attorneys are not the best suited to do. It amounts to like supervision and case management when people are in a year-long program... The time for this position has required attorneys to carry cases for much longer than they used to, to get good outcomes, but to carry the case is much longer than they used to. Which obviously feeds into the caseload problems because cases they used to resolve themselves in three months or six months are now taking a year or eighteen months. And even though you’re not necessarily having to like, litigate during that period, you’re having to case manage during that period, you’re having to follow up with the client, follow up with the providers you know, get them back in the class they’ve been kicked out of, so on and so forth. And a lot of that is not necessarily the work that attorneys were passionate about, you know, and then not necessarily work that they’re best at.”

Other concerns surrounded how the courts function. We heard multiple times around court dates changing or being reset and the difficulty conveying this information to clients who struggle to have consistent phones or email.

Additionally, with most courts having dockets only 2 or 3 days a week, attorneys feel they are compressing a week's worth of defense into only 3 days.

Issues Assigning Attorneys to Indigent Defendants

It was noted that there are barriers to determining if a defendant is indigent. In some cases, a defendant may be uncomfortable admitting they cannot afford an attorney, in other cases they are incapable of answering the questions to determine indigency. We also heard the opposite that individuals who had clearly sufficient funds to afford an attorney were appointed one.

Even when indigency is properly determined, the process of assigning attorneys could be improved. Our respondents describe administrative and bureaucratic delays to when an attorney is assigned. Another concern was the mis-assignment of a repeat client. If a defendant currently has a case with the PDO, they should be assigned the same attorney with the PDO for a new case but occasionally will be assigned to CAPDS for the second charge or vice-versa. It was suggested a more robust automated system may help.

Lack of Quality Attorneys

Some individuals feel one of the biggest challenges is being able to hire qualified attorneys into public defense, citing that attorneys can make more money in other jurisdictions or through not taking appointed cases. Judges note that more attorneys are needed who speak Spanish, have received trauma-informed training, or are more knowledgeable in bail and bond issues. A judge explains: *"the last thing I want as a judge is someone pleading guilty to or no contest just to get out of jail. Being able to articulate the issues and advocate for their clients to release with conditions that would satisfy the concerns of the court and the state. There seems to be a disconnect there."*

Multiple judges also draw our attention to problematic attorneys who do not meet their clients before court, do not show up to court, or do not give the best defense. A CAPDS representative notes this is not specific to Travis County but still a problem: *"as in every public defense system these lawyers are overworked and underpaid and so I hear from clients that they can't reach their attorney. I guess that's probably the biggest concern that I have is that the client interaction with public defense still has that problem of not feeling like they get the attention that they need. And that's been a big problem."*

Lack of Trials

Stakeholders agree that there are less trials taking place in Travis County than there have historically been. According to our interviews, this poses a problem for a few reasons. First, willingness to go to trial is seen as a critical negotiating tool in the defense process. Second, younger attorneys are lacking opportunity to observe or participate in these trials, potentially hindering the skills of the attorney. When they do have an opportunity for a trial, they are underprepared. When there are trials, they are more likely to involve CAPDS attorneys. Most stakeholders could only recall PDO attorneys conducting 1 or 2 trials in the past year, whereas CAPDS was cited as having conducted 32 trials in 1 year.

Larger Systemic Issues Making Public Defense More Challenging

Notably, many respondents discussed larger county-level, state-level, or systemic issues that make public defense more challenging. One of the advocacy groups notes an increase in arrests leads to unmanageable attorney caseloads: *“the number of people arrested [has] tripled, which is why we need so many more attorneys. And so I, you know, I wonder why it has tripled. Is it because there’s more people in Austin and there are more crimes or [is it] police just arresting more people?”*

Another concern was the increasing number of defendants with mental health issues, and the challenges connecting to their services. A PDO attorney explains *“The jail has become the default psych ward, but the jail wasn’t designed to be that. So you know, you’re asking the criminal justice system to pick up the slack of what the Health and Human services system should be doing.”*

Lack of housing for defendants, appropriate halfway services options, and defendant poverty were all cited as impeding public defense. Stakeholders contend that if a defendant is insecure in their housing or unable to pay for a cell phone, it’s difficult to have them attend court and actively participate in their defense. They are also unable to pay for the more expensive online classes and monitors that are offered to defendants as part of bond or bail conditions. Instead, they are required to do in-person classes or more inconvenient monitors that can potentially affect their ability to maintain work.

PDO-Related Challenges

Difficult Job to Recruit Attorneys to Do

PDO attorneys describe their work as challenging and time-consuming, especially when a defendant has intense mental health needs. They cite frequently working 12-hour days often, experiencing burn-out, and being unable to take much of a break or use vacation time due to caseload. Compounding the issue, the office struggles to hire. The pay is not seen as competitive, with multiple stakeholders providing us with anecdotes of how they know there has been turnover due to low pay or attorneys not considering working in Travis County because of the pay. We also heard that pay is lower than comparable prosecutor positions, which is affecting current attorney morale. Any attempts to fix the pay for lower positions have been through cutting upper positions, limiting the ability to offer longer term career opportunities for current attorneys. As one PDO representative sees it: *“What sucks about working here is that there is like no upward mobility after a certain point, and in fact, like the system is built so that you’re not guaranteed any upward mobility.”*

Tension Between PDO and Other Entities

It’s clear from the interviews that there is tension between the PDO and other entities across Travis County. Those who work in the PDO consider the other entities as having animosity towards the way they represent clients and PDOs, in general. Those outside the PDO consider the PDO to be adversarial to an excessive level. It is difficult to know which

came first – the animosity or the adversarial – but regardless the current tension is hurting the working relationships. We highlight some issues that were repeatedly brought to our attention.

PDO feels animosity

As described in the previous section, some individuals were opposed to the PDO from the beginning. Establishing PDOs can be seen as taking away cases and therefore money from private attorneys and taking away authority from judges. PDOs also prioritize holistic defense and connecting clients to social services. This can be perceived as the attorney being a “*glorified social worker*”, as one stakeholder put it, as opposed to being a strong legal representative.

PDO attorneys are also seen as being zealous sometimes to a fault, relying heavily on procedural rules and not as willing to play by the specific rules of Travis County. This is not unique to Travis County, however. PDOs, in general, tend to attract attorneys that are younger and more idealistic. Some examples are the attorneys rely heavily on long emails as opposed to making the case in a court setting, they take longer to interview clients during CAFA, and they debate little things in procedure. As one judge notes the approach is not technically wrong but comes off as impractical: *“The stereotype for public defenders is that, technically speaking they are objecting on almost every ground in every way ...that might not necessarily result in a good use of time. ...Whereas you could say that some of the more experienced CAPDS attorney pick their battles and have the better judgment on how to do that.”*

The PDO attorneys are aware of these feelings. Multiple representatives from the PDO made reference to the tension, but one illustrates their comments best:

“there are times where I feel very gaslit doing what I do for a living. There's times where I feel very belittled and condescended on a day-to-day basis...Then there's the kind of external challenges of dealing with judges who I think don't care about our clients, dealing with prosecutors who I think actively dislike our clients, and make judgments about who our clients are as people. And not to say nothing of like making judgments about what they actually did or did not do just by reading like a couple of paragraphs on a piece of paper. And I think that a lot of prosecutors and judges take out their disgust with my clients out on me”

PDO is adversarial

On the other hand, the PDO has a reputation for being adversarial in a manner that goes beyond their role as defenders. One judge explains:

“We have no communication or collaboration with the PD's office. They don't really care to hear from us or want to hear from us, and it's been very frustrating. When I was [working in another jurisdiction] there was a PD's office and they were great, and I worked great with them. When they needed to be adversarial and antagonistic, they were, there was a time and place for that, but they typically knew how to be more collegial and collaborative when needed. I think this office maybe hasn't figured that out yet.”

Our stakeholders cite a few examples, the main one being when the PDO took themselves off the assignment wheel once because they felt their caseloads were too high. One judge describes the situation and the frustration this caused:

"I was one of the people that fought to get the public defender, but here's an issue of and I understand you know why they did it, but a while ago who've had we have a lot of cases in Travis County. OK? I have twice as many cases in Travis County as I did when I started out 15 years ago. Workloads are really high. The prosecutors assigned to my courts have over 500 cases each....and I understand best practices and everything, but as soon as the public defenders got, I don't know, how many cases, PDO was like, 'ohh Yep we're done we're full,' and I was like 'OK, yeah me too, yeah, can I just stop taking new cases? Yeah, prosecutors you wanna stop? Let's just stop. Let's just stop.' And I'm sorry, no...I understand it's not best practices, but you know what's really not best practices? Having people who are unrepresented. That's worse. And so for a long time they weren't taking new cases [they] decided the PDs were too busy. Whereas we judges had just as many, too many cases, and the prosecutors had more than that, and CAPDS has had a very hard time, you know keeping like there were days I would call CAPDS and say this person needs an attorney, and there was nobody. Like the list isn't big enough. And how can I run out of attorneys if I have a public defender's office? I mean that would be like the you know the state like running out of prosecutors, it doesn't happen. So that is like a huge issue for me. I just think, 'yeah gosh we have to work harder because we have too many cases'"

Others expressed similar frustrations with a lack of communication, an unwillingness to take on additional work, a lack of participation in public defense events, and an approach that focuses on criticism instead of solutions.

Need to build out relationships

The impact of this tension is also clear, as it starts to hurt critical relationships in the system. One judge described the PDO culture as problematic; another judge who was initially in favor of the PDO now feels "*when I'm looking at my docket, and I see a PD on the case, my heart sinks.*"

And it's not just with the courts. A county representative elaborates that while PDOs concerns are valid, the approach they use is problematic. They detail:

"I think that leadership at the public defender's office needs to kind of change their approach a little bit, not in terms of like tenderness. I think they ought to be just as zealous as they are, that's fine, but more in like building relationships...It's principled to a fault. There's inflexibility to that office.... They're not meeting the bar or the community or the judges or the Commissioners where they are at and educating them and building bridges. Instead, it's this adversarial thing all the time, constant."

Need Additional Resources

There have been some funding struggles for the PDO. The initial amount budgeted for the PDO was based on the number of cases at the time they requested a grant from TIDC and that has not kept up with the increasing number of cases.

Moreover, PDO representatives feel there should be a broader consideration as to how a case is counted that better reflects the work put into a case and the nuances of multiple charges. Adjusting these measures would require more staff to be hired. However, as described, it's difficult to hire given the compensation. As such the PDO would like funding for additional personnel and for higher salaries. There were additional requests for increased technical infrastructure and additional office space.

CAPDS-Related Challenges

Varying Attorney Quality

The majority of feedback on CAPDS' challenges is the varying quality of attorneys. Some of the attorneys are passionate advocates, but others are not. A county representative summarizes some of the concerns:

"CAPDS tolerate[s] practices from some of their attorneys that the PDO would never tolerate. And specifically I would say things like high caseloads. Under performing like attorneys who don't visit their clients regularly. They keep them on the list instead of getting rid of them. There are even attorneys who have had questionable...kind of comments in front of judges and things like that. And they're not removed them I mean things that like I would never tolerate in our office, things that PDO would never tolerate their office."

Which leads back to the limited oversight and disciplinary action that can be provided by CAPDS leadership. Judges and other county staff felt they had a good relationship with CAPDS leadership so that if they saw a problem with a specific attorney, they could communicate it, but then CAPDS leadership is limited in their response. A county staffer drew on this experience when they noted a problem: *"[CAPDS leadership will] draft an e-mail or ask me to draft an e-mail. That will be distributed to the CAPDS attorneys, who may or may not read the e-mail. And like there's no follow up, there's no mechanism for them to get more information really, you know."*

Administrative Challenges

There were also some noted administrative challenges in regard to being a contracted non-profit and not formally part of the county. This disconnect can slow down the administrative processes. Additionally, switching to hourly billing instead of case billing required both process and attitude shifts from the contracted attorneys. A CAPDS attorney describes this process:

"it was a culture change for attorneys, because even to this day, the private bar, bills flat fees for [99% of] criminal representations. And so switching to hourly was something that a lot of the attorneys had never done or had done very little of and it really meant redesigning their practices and their office and it obviously takes a lot more time to bill for hourly work than it does the bill for flat fee work. And [the county won't] pay for billing [time]...So that's probably a frustration."

It also has some individuals concerned that CAPDS attorneys will keep the case open longer to be able to charge more.

Stakeholder Suggested Improvements

Through our conversations, stakeholders made recommendations on what could be improved within the PDO, CAPDS, and public defense overall. While some of these improvements are aspirational and outside the scope of public defense, we include all of them to highlight how passionate and motivated all stakeholders are to improve the local public defense and the county.

Stakeholders also acknowledge that these improvements cannot happen without spending more money and therefore may take more time or are impossible to implement. As one judge quips: *“You can always spend more money. There’s no such thing as spending too much money on public defense.”*

PDO-Related Improvements

Suggestions for the PDO centered on the challenges already discussed, particularly the need to recruit and retain attorneys and to reduce staff stress and workload. Interviewees emphasized the importance of expanding personnel by hiring an additional 15–20 attorneys and filling key gaps such as an expunction expert, civil attorney, immigration attorney, and a dedicated recruitment/outreach staff member—roles that currently fall to attorneys on top of their caseloads. Several participants also stressed the need to offer raises and ensure pay parity with other county attorneys, as well as to more actively advertise benefits, such as the pension system, to attract and retain qualified applicants. In addition, getting judges involved in recruitment was cited as an effective strategy that has worked in other jurisdictions.

Improving workload stress was another frequent recommendation. Participants suggested hiring more case workers, social workers, and investigators so attorneys can shift non-legal tasks off from their plates, as well as expanding walk-in hours so defendants can connect with support staff directly. Others proposed offering trauma leave or similar options to address burnout and compassion fatigue, noting the emotional toll of holistic defense work. As one PDO representative explains::

“Like holistic defense, just inherently is demanding and also just can be emotionally and vicariously traumatizing. [We’re] being exposed to some very, very challenging and sad you know situations continuously. And I know that a lot of our staff have had to utilize like personal leave, if just to combat burnout compassion fatigue. And I think if there were more leave options or around that. I know at some PD offices like around the country like they’ll have sabbaticals or trauma leave.”

Another common suggestion was to restructure dockets so that PDO attorneys can focus on one court per day instead of moving between multiple courts, which would allow them to work more efficiently and with less stress.

CAPDS-Related Improvements

For CAPDS, most suggestions focused on creating stronger incentives for attorneys to accept cases while also introducing more accountability into the system. One frequently mentioned idea was adopting a strike system, in which

attorneys would be removed from the appointment list after multiple performance-related strikes. Participants also recommended offering a range of incentives to make court-appointed work more appealing. These included providing office space and parking at the courthouse, identifying more affordable health insurance options for panel attorneys, and increasing compensation for cases that result in a dismissal—since dismissals often require more work than plea agreements. Another key suggestion was to increase funding for CAPDS so it can provide more holistic support services, similar to public defender office models that include social workers, investigators, and other resources to better serve clients and reduce the burden on attorneys.

Public Defense as a Whole

Addressing Local Public Defense Structure

Suggestions for improving public defense ranged widely, from increasing funding and staffing to reforming policing and jail procedures and expanding access to mental health and housing services. In terms of strengthening the local public defense structure, several interviewees emphasized the need to close gaps in attorney expertise. This included hiring more experienced attorneys across both offices, increasing the number of Spanish-speaking and non-white defense attorneys, and raising salaries to stay competitive with neighboring counties. As one county staff member explained, “/ *would shift some of these resources we have in reserve to a dedicated amount for career ladders and career advancement for CAPDS, for PDO, for all basically all offices really. No department is guaranteed resources to do [raises]. You either have had to have hoarded it yourself and hidden it somewhere. Or you're hoping somebody leaves.*”

Other recommendations included updating caseload standards and phasing in compliance for both the PDO and the private bar. Multiple individuals also proposed restructuring how cases are divided between the offices, with some suggesting that public defense should handle a larger share of cases. One proposal was for the PDO to take all cases, leaving CAPDS to handle only conflicts. Another suggestion pointed to the Brooklyn model:

“My recommendations would be an expansion of an institutional public defender's office and having a robust, well-funded public defender institution that, or two that like take the majority of the cases...[In Brooklyn for example, t]here were two PD agencies, both nonprofits. One would take like 55% of the cases the other would take the 45 you know the remainder save like the one or 2% that was a conflict for the two of them.”

A similar vision came from a county representative:

“I would say big picture I would have a primary public defender office handling 40% or 50% of the cases. I'd have a conflict defenders office handling another 20% of cases and I'd have a robust managed assigned counsel system CAPDS handling the remainder. Handling the ebbs and flows and when cases go up and down. I would have a separate the appellate and post-conviction division, which we don't have. I would have training that was available to all of these divisions.”

Others recommended shifting capital cases to the PDO and creating a dedicated appellate defender unit. As one judge noted:

“There needs to be an appellate public defender that handles appeals and writs, and then also has a unit for like innocence cases like the writ stuff. Our conviction integrity unit has a hard time finding defense attorneys who can handle writs. Some of the appeals that defense attorneys put through are just embarrassing. And that’s those are the CAPDS attorneys. Like they’re just some are good, but they’re really good. Appellate attorneys retired, and so it’s a very small number of CAPDS attorneys who handle all the appeals for the county.”

Creating Public Defense Sustainability

Another suggestion was to create pathways to Public Defense as suggested by a judge and supported by a county representative:

“I also think outreach into the law schools, starting formal internships, programs similar to what you see on the prosecutor side, those are ways to build pipelines in in, in regards to diversifying the defense. I think that requires us to be intentional on where we’re building those partnerships. What law schools are we approaching, what law school organizations are we approaching. And I think those type of intentional partnerships can help address some of these issues”. – Judge

“I think part of it when you create such good culture and training and such a robust public defense atmosphere. It attracts good lawyers, good social workers, investigators, that Travis County is the place you want to be. And maybe right now a handful of places like Bronx public defenders service, in DC, or Orleans parish in New Orleans, Colorado or maybe like San Francisco. If you’re a law student and you talk to your criminal defense law professor, they are going to say you should go to one of those. We should be on that list. I think that’s something that kind of comes along with the territory. I think also creating, we’ve got a little bit of this. But a more robust pipeline for public defense that includes more internships, more fellowships, loan forgiveness programs” – County Staff

Improvements for systems processes

Additional recommendations covered a wide range of system-level improvements, from modernizing processes to strengthening relationships across agencies. Several participants emphasized the need to digitize forms that are still completed on paper and passed manually between departments. Others called for an increase in interpreters—not only in court, but also for attorney meetings and pretrial services—specifically noting the need for Russian, Nepalese, Vietnamese, and additional Spanish language support. Multiple stakeholders also urged the state to increase their financial contribution to indigent defense.

Training was another major theme, with suggestions for countywide training and resources, empathy and trauma-informed training, mentorship from experienced attorneys, cross-training between agencies, expanded police training,

national-level conference opportunities, and mental health training for both attorneys and judges. Alongside training, many emphasized the importance of improving relationships across the defense system. Suggestions included strengthening collaboration between pretrial services and attorneys, improving the relationship between the private bar and the PDO, and increasing respect for attorneys who choose public defense work. As one county staff member opines:

“I think culturally if I could wave a magic wand, I would create a more unified, defense bar so that it feels like everybody’s on the same team. So that CAPDS lawyers are ...not wagging their fingers at the younger attorneys. And that public defenders are not you know so smug about these old guys who aren’t client centered. I would create a culture, and this is a slippery thing, but a culture that is generally client centered and get rid of that attorney client roulette kind of issue.”

An advocate added, *“I think that the residents of Travis County, all of their representatives need a lot more education about what it takes to support particularly the indigent. And we got a long way to go. And the state could be a tremendous partner in helping us understand and fund all that. And it’s not. It’s absolutely, totally not.”*

Several stakeholders also encouraged the county to have a more intentional discussion about what public defense services should include beyond core Sixth Amendment duties, noting that the current structure feels “ad-hoc” and needs stronger scaffolding.

A related set of recommendations focused on legal ethics, due process, and holistic defense. As one PDO attorney put it, *“Just like the presumption of innocent until proven guilty being more of a priority for people. It always feels the exact opposite.”* Another PDO attorney stressed the importance of early appointment of counsel: *“I think everybody who gets arrested should see a judge and get an attorney like, as soon as possible. That is not the case yet.”* Additional suggestions included more support for non-citizen representation, eviction and immigration defense, greater emphasis on holistic defense models, and more trial opportunities so attorneys can build experience and maintain a healthy justice system.

Addressing Defendant and Community Needs

Stakeholders also highlighted the need for expanded mental health resources in the community. Several noted that additional professionals are needed to conduct mental health assessments in the jail, as the current wait times are too long. Others stressed the importance of having alternatives to either keeping defendants in jail or releasing them without adequate supports. Suggestions included establishing a halfway house for defendants with mental health needs—allowing them to receive supervision and services without being incarcerated—and creating multiple entry points for support through the Mental Health Diversion Center project.

Participants also recommended increasing direct support for defendants. Ideas ranged from expanding wraparound services and providing clothing for trial, to offering free dorm-style housing for individuals on probation and supplying

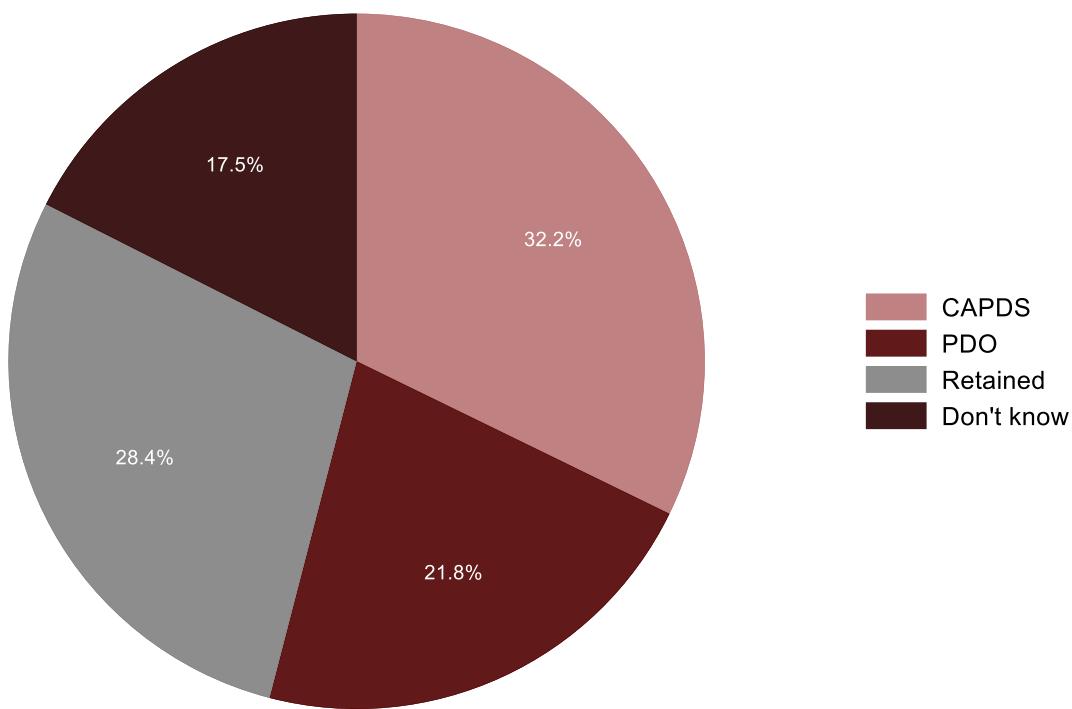
phones to ensure communication with attorneys, services, and the court. Several interviewees also emphasized the importance of reducing embarrassment in court proceedings and creating more humane, dignified processes.

Finally, some recommendations broadened beyond the justice system to address underlying social and economic conditions. These included expanding access to housing and, in one case, proposing universal basic income as a way to stabilize individuals before they enter crisis or become entangled in the criminal legal system.

Client Perspectives on Public Defense Services

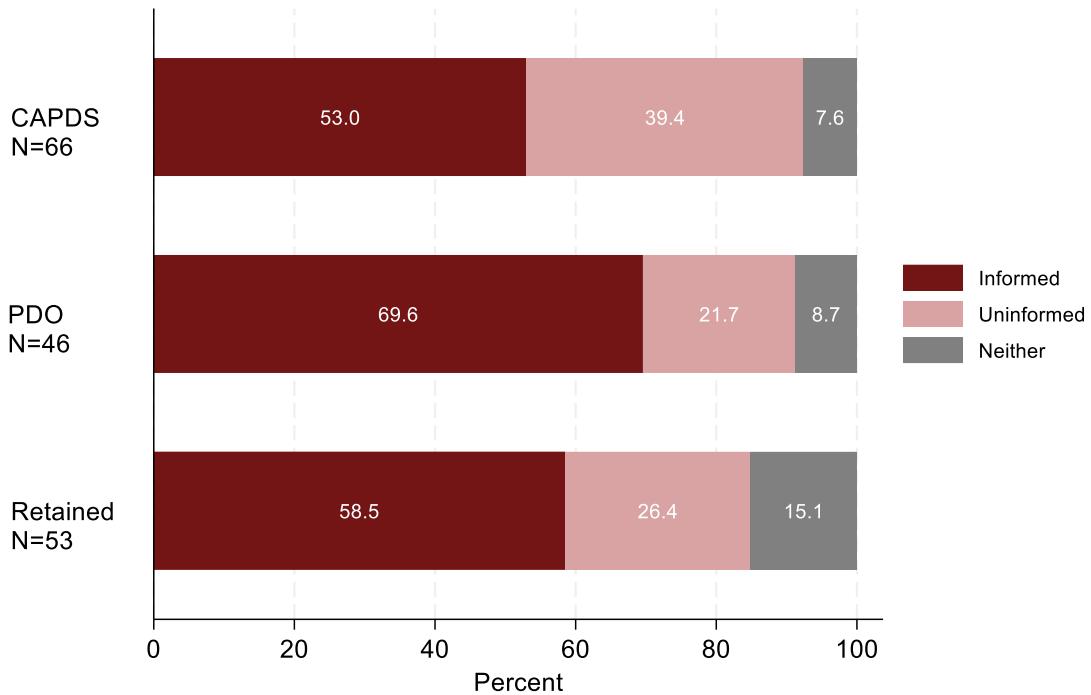
This section summarizes findings from the defendant survey. The anonymous survey received 274 responses, 60 of which came from individuals with active cases; those responses were excluded from the analysis. Among the remaining 214 respondents, 32.2% were represented by CAPDS, 22.8% by the PDO, 28.4% by retained counsel, and 17.5% did not know whether their attorney was from CAPDS, the PDO, or privately retained (Figure 36).

Figure 36. Distribution of Representation



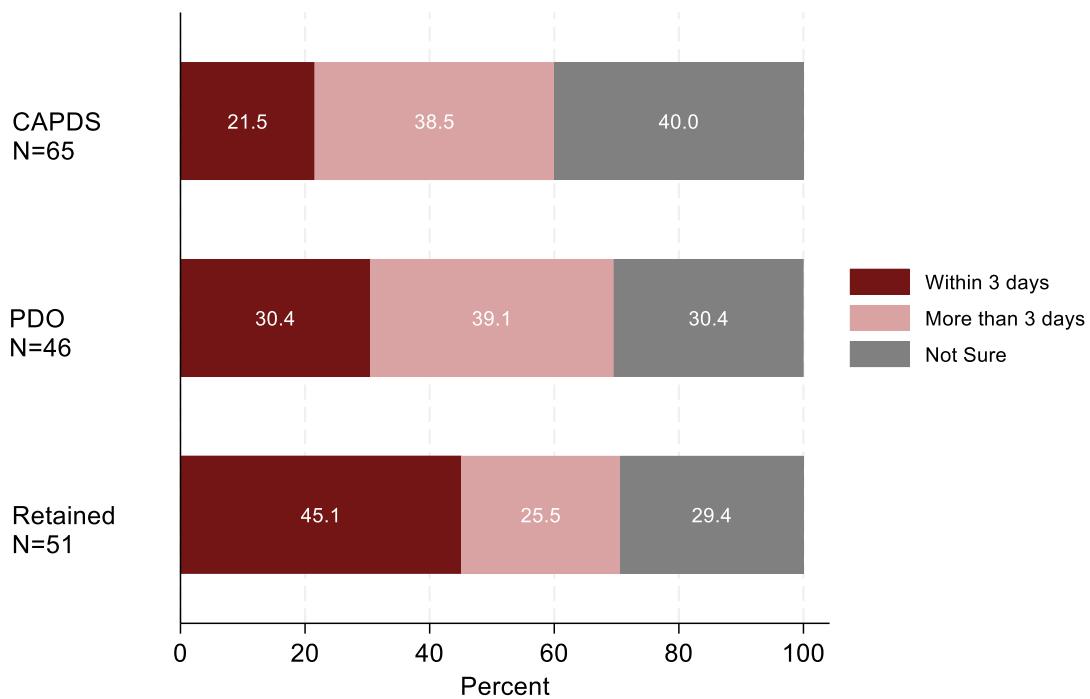
When asked about how informed clients felt about the attorney appointment process, 53.0% of respondents who were represented by CAPDS felt informed and 69.6% of survey respondents who were represented by the PDO felt informed, as depicted in Figure 37. Clients represented by the PDO had the highest proportion of respondents who felt informed about the attorney appointment process compared to clients represented by CAPDS and retained attorneys.

Figure 37. Feeling Informed About Attorney Appointment



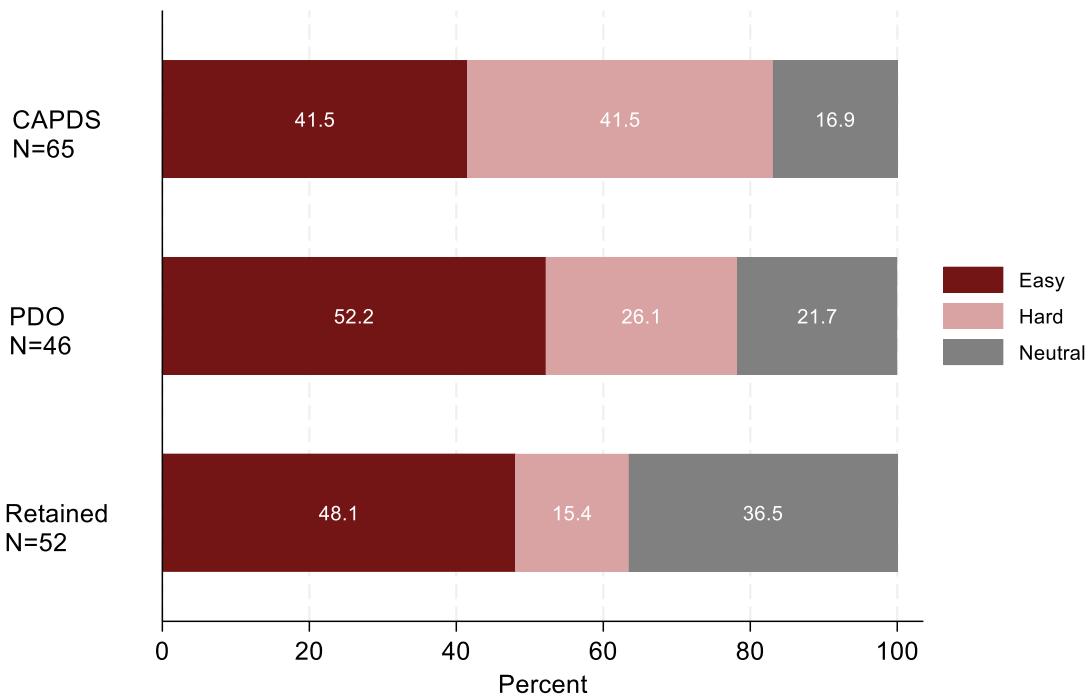
When asked about when the client's attorneys first contacted the client after being appointed to their case, 21.5% of clients represented by CAPDS were contacted within 3 days and 38.5% were contacted after more than 3 days. For clients represented by the PDO, 30.4% of clients were contacted within 3 days while 39.1% were contacted after more than 3 days. 45.1% of clients represented by retained attorneys were contacted within 3 days, a greater proportion compared to clients represented by CAPDS and the PDO.

Figure 38. Time to First Client Attorney Contact



When asked about how easy it was for the client to contact their attorney, 41.5% of clients represented by CAPDS reported it to be hard while 41.5% of clients reported it to be easy. For clients represented by the PDO, 52.2% reported it to be easy while 26.1% reported it to be hard as seen in Figure 39. Clients represented by the PDO had the greatest proportion of respondents reporting it was easy to contact their attorney compared to clients represented by CAPDS and retained attorneys.

Figure 39. Ease of Contacting Attorney



Forty respondents to the survey included an explanation as to the obstacles they faced when contacting their attorney. The majority felt that it would take days or weeks to hear from their attorney, if they heard back from them at all. Some noted that they were not given their attorney's contact information and had to seek it via websites on their own. Others noted that the phone in the jail made it difficult to get calls out.

There are two notable examples in the feedback that highlight the struggles of defendants when they feel they cannot reach their attorneys. One defendant offers:

"There were times when weeks or even months would often pass before I received a return call. As we approached trial, I would usually hear back just a few days before the scheduled hearing. The continual lack of communication left me feeling unprepared, often demanding an extension. Then, a month later, just before the next hearing, my attorney would finally return my call, again just days prior to the hearing and without adequate preparation. Due to the ongoing lack of communication and unpreparedness, I felt I had no choice but to accept a plea deal."

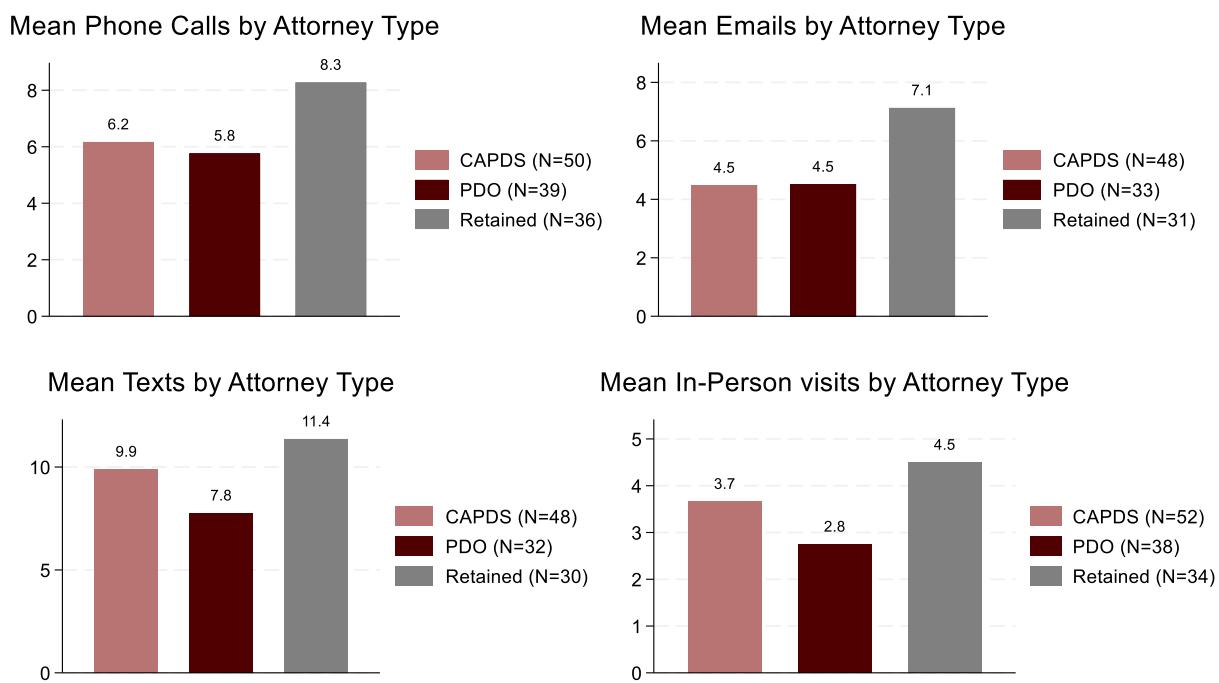
Another defendant notes:

"I was given no contact information. I only had the name from the court website, and had to research the name online to try to find a phone number. After calling numerous numbers and leaving voicemails as well as sending emails, I finally got a text shortly before my court date. My text regularly went weeks or even over a month without a response, if I got one at all. I was not notified when court dates were pushed back, changed prosecutors, when the indictment

finally was approved, or even when my case got dismissed. I was completely in the dark and only realized my case dismissal by not seeing a pending court date.”

When asked how many times you would estimate that you spoke with your attorney throughout your case, clients represented by CAPDS had an average of 6.2 phone calls, 4.5 emails, 9.9 text messages, and 3.7 in-person visits. Clients represented by the PDO reported fewer phone calls (5.8), similar email communications (4.5), and fewer text messages (7.8) and in-person visits (2.8). Finally, clients represented by retained attorneys reported higher levels of communication across all modes compared to both CAPDS and PDO, as shown in Figure 40.

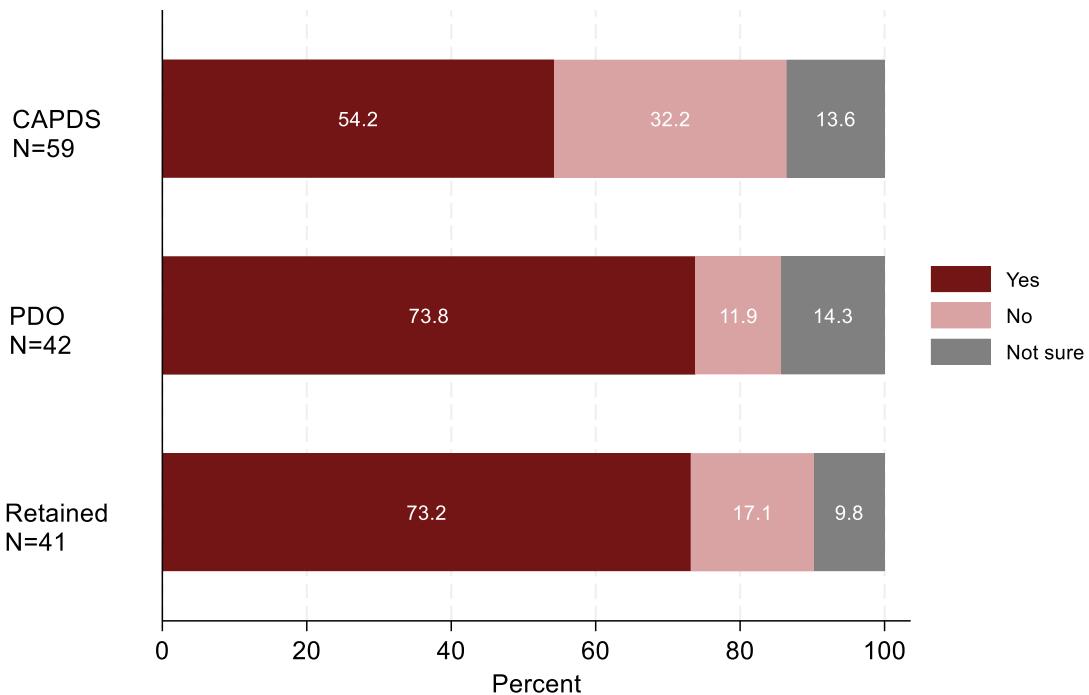
Figure 40. Frequency of Communication with Attorney



When asked if clients felt like their attorney listened to their concerns, 54.2% of clients represented by CAPDS and 73.8% of clients represented by the PDO responded ‘yes’. Clients represented by the PDO had the highest proportion of respondents who felt like their attorney listened to their concerns compared to clients represented by CAPDS and retained attorneys. Some respondents offered insight as to how their attorney listened to them. The most common theme was that the attorney got them the outcome they wanted or a better one. Clients greatly appreciated attorneys who listened to them, answered their questions, and explained their options and the court process. Those that did not feel listened to felt that their attorney was too busy to take the time to get to know them or the case. Multiple defendants felt their assigned attorney had too high of a caseload to care. They often felt pushed towards a specific outcome, usually a plea, that they did not want to take.

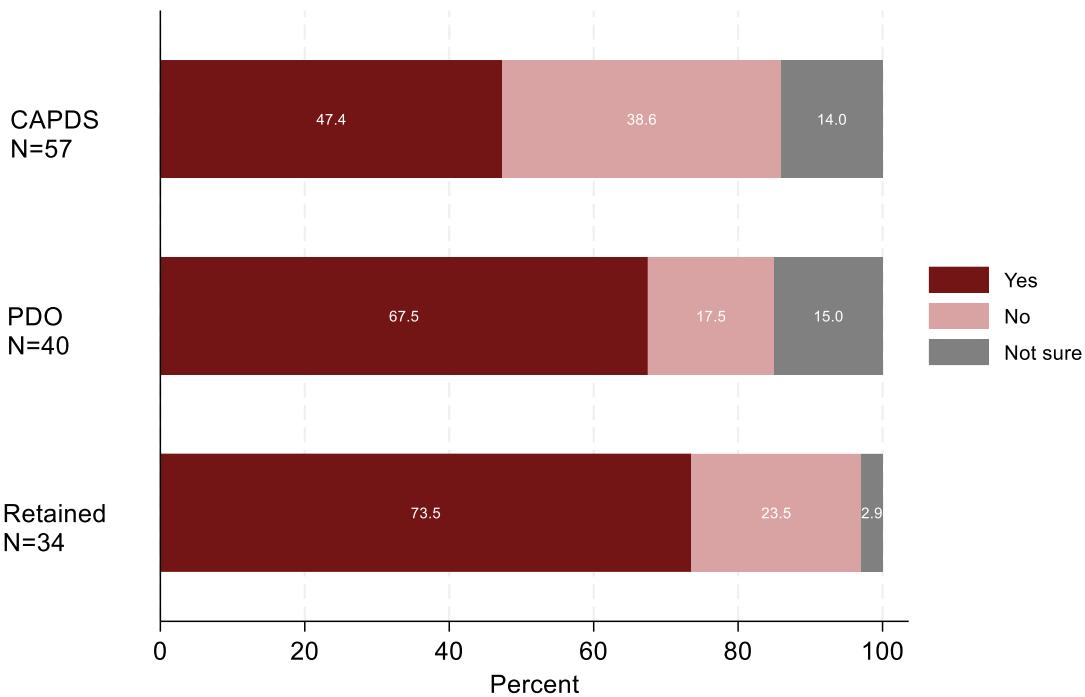
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Figure 41. Defendant Reported Attorney Responsiveness



Clients were asked if they felt like their attorney spent enough time on their case. For clients represented by CAPDS, 47.4% responded yes while 35.6 responded no. For clients represented by the PDO, 67.5% of clients felt that enough time was spent on their case while 17.5% did not. For clients represented by retained attorneys, 73.5% of clients felt that enough time was spent on their case; a greater proportion compared to clients represented by CAPDS and the PDO.

Figure 42. Defendant Views on Attorney Time Spent



Only a few respondents elaborated as to why they felt their attorney spent enough time on their case. When they did, it was because the attorney answered their calls in a timely manner and made themselves available to the defendant.

One defendant notes they are unsure if their attorney spent enough time on their case because “*when your communication is ignored it’s hard to know what your attorney is or isn’t doing*”. Indications that an attorney had not spent enough time on the defendant’s case, according to defendants, include not showing up to court on time, mixing up their case details with another, acting too busy, and being unprepared during meetings and court.

When asked if the client understood what was going on when in court, 51.7% of clients represented by CAPDS responded ‘yes’, 70.7% of clients represented by the PDO responded ‘yes’ and 55.6% of clients represented by retained attorneys responded ‘yes’. Clients represented by the PDO had the highest proportion of respondents who felt like they understood what was happening in court.

When asked if in court, the clients defense attorney spoke up on the client’s behalf, 69.0% of clients represented by CAPDS responded yes, 80.5% of clients represented by the PDO responded yes and 75.0% of clients represented by retained attorneys responded yes.

Figure 43. Defendant Understanding of Court Proceedings

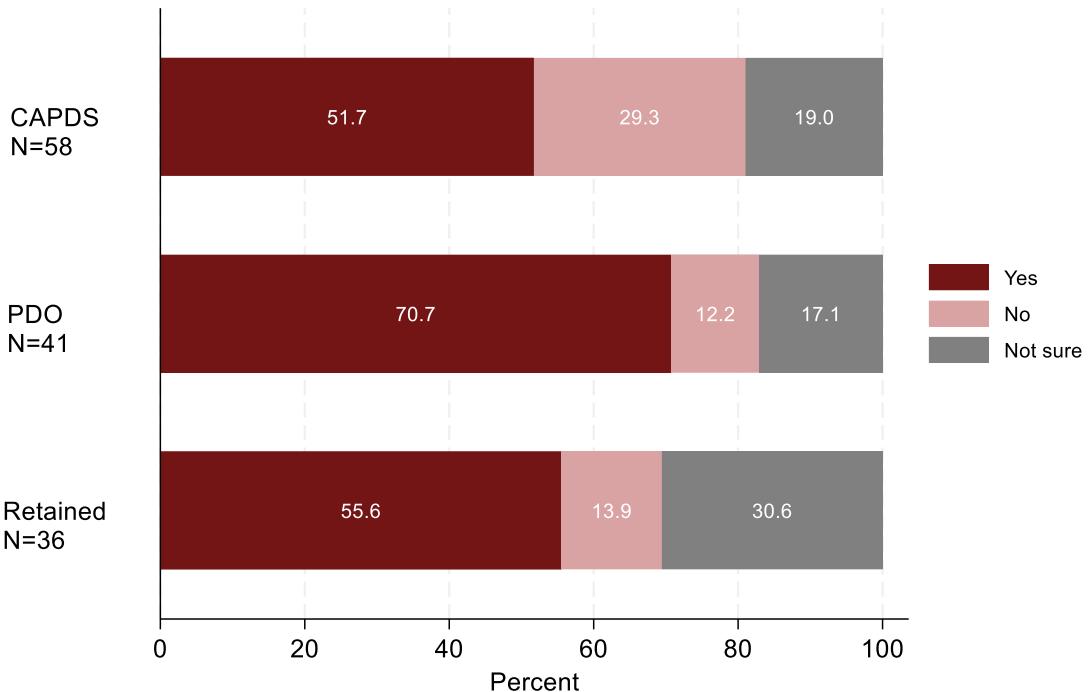
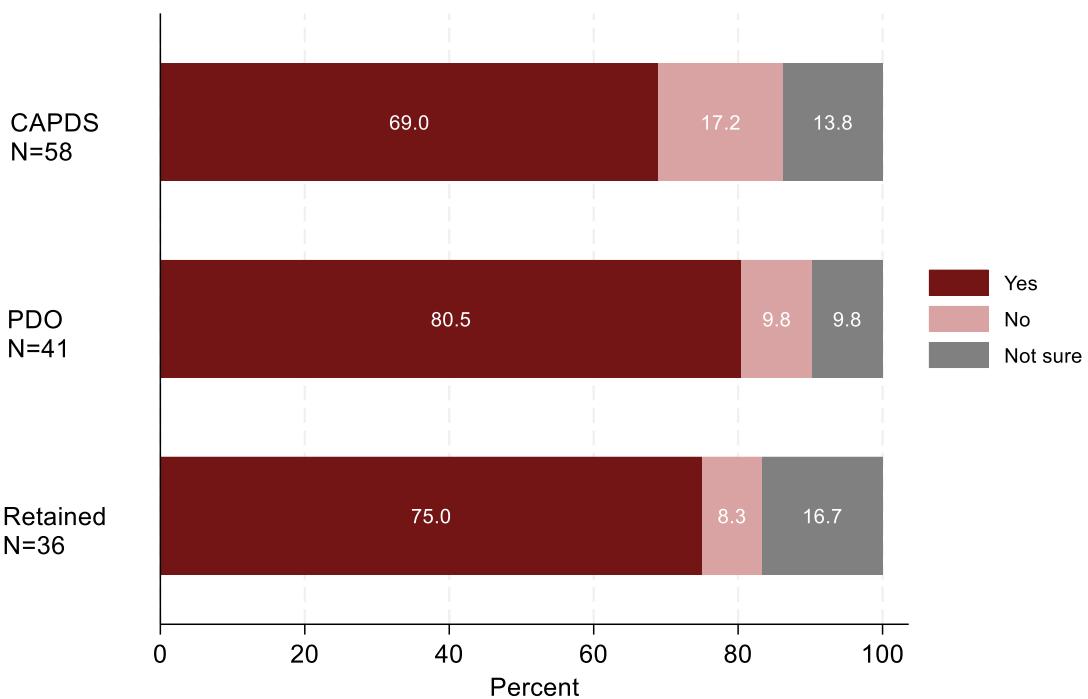
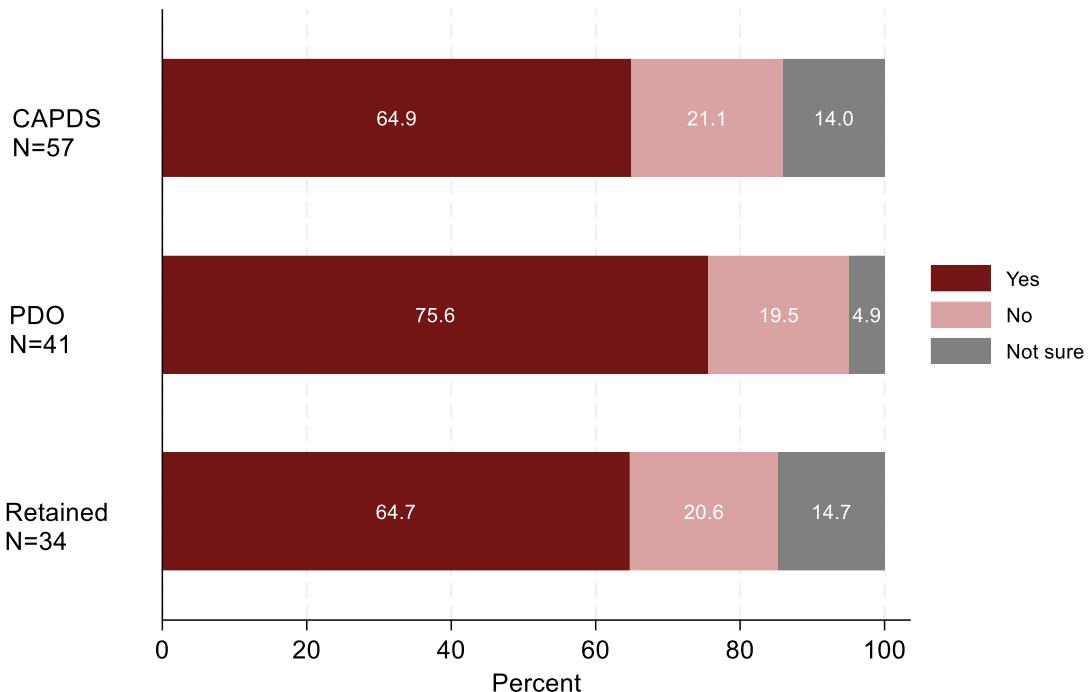


Figure 44. Defense Attorney Advocacy in Court



Clients were asked if they felt the outcome of their case was fair overall. 64.9% of clients represented by CAPDS responded yes, 75.8% of clients represented by the PDO responded yes, and 64.7% of clients represented by retained attorneys responded yes. Clients represented by the PDO overall had the highest proportion of respondents who felt like the outcome of their case was fair compared to clients represented by CAPDS and retained attorneys.

Figure 45. Defendant Views on Fairness of Case Resolution



Defendants were asked to define quality representation and the attributes that make up good quality representation. Some of the most commonly used phrases are displayed in the word cloud (Figure 46) *Communication is key for defendants, followed by understanding. One response illustrates many of the defendants' ideals: "Quality representation means understanding my feelings and being able to speak with confidence about what [this means] to me. Key attributes for good quality representation are awareness, communication, understanding and due diligence"*

Figure 46 How Defendants Define Quality Representation



Finally, we asked defendants what they felt was lacking in the Travis County system overall and how it could be improved. The most requested change was for more public defense attorneys so that there was a lighter case load. One defendant summarizes what many defendants felt and how too high a caseload can affect their representation:

“The public defense process in Travis County has some areas that could really benefit from improvement. Many defenders are overwhelmed with high caseloads, which makes it tough for them to provide the attention each case deserves. Funding is often limited, impacting resources available for clients. I think increasing funding could help alleviate some of these pressures, allowing for more manageable caseloads. Providing ongoing training for public defenders might also enhance their effectiveness. It could be beneficial to connect clients with social services to address broader issues they may face. Lastly, listening to community feedback could help ensure the system better meets the needs of those it serves.”

The second most mentioned request was more diverse representation including requests for younger, more relatable attorneys, as well as those who are women and Black attorneys. Defendants wanted increased communication with their attorneys including mandatory check-ins and an easier complaint process.

Other defendants consider changes to other pieces of the system besides representation. They feel there should be more staff in the court to help processes move faster. They would also like those staff to be more empathetic towards defendants. One participant noted that it was difficult for attorneys to reach their clients when in jail. They proposed

greater awareness of how the system operates to help remedy that. Finally, one defendant felt it was important to have public defense in civil cases.

From the results of the client survey, overall clients who are represented by retained attorneys tend to be contacted very quickly and frequently. Clients represented by the PDO seem to feel like they have a fair outcome and are well informed throughout the process compared to clients represented by CAPDS and even retained attorneys.

Conclusions and Recommendations

Recommendations

Based on the above quantitative and qualitative results, the research team suggests the following recommendations to improve the public defense system in Travis County. Recommendations are addressed to the Commissioners Court, however, there are specific recommendations for several key stakeholder groups. To address the recommendations, stakeholders in Travis County will need to work together as no group will be able to implement the recommendations independently. The following recommendations are presented in no specific order.

General Recommendations

1. Invest in a criminal justice data system update to improve database capabilities.

When compared to counties of similar size, Travis County's data capabilities and database management lag behind. For example, in Bexar County, their criminal justice database has the capability to produce a data file that includes all the events in a case which includes every hearing, attorney change, bond update, and more. By contrast, in Travis County, a bond change potentially results in the previous bond information being overwritten losing valuable information on case changes over time. Additionally, the current criminal justice database does not allow for an accurate record of attorney appointments. Court coordinators must be trained to follow the correct sequence of steps, so data consistency and accuracy are achieved. By updating the criminal justice database, greater data entry accuracy could be achieved. Such investment needs to include standardizing the metrics across both offices so that more timely comparison can be made to ensure clients are getting a more equitable experience. Improved data accuracy will lead to a better understanding of the functioning of the criminal justice system. Further, this allows the county to conduct future evaluation studies looking internally but also at its position relative to the other major counties and the state as a whole.

In addition to the data entry improvements, consideration should be given to digitizing the paperwork related to the criminal case process. From our observation, it appears the criminal justice database experiences significant delays related to the entry of paperwork after proceedings. Travis County should consider digitizing

the paperwork system using a platform such as Adobe Sign or DocuSign and integrate it with the existing case management system to increase efficiency, streamline the process, and better serve defendants.^{34,35}

2. Consciously focus on coalition building among stakeholders.

Travis County stakeholders frequently reference the small-town feel and collegiality but recognize that with many new stakeholders in the system, that has changed. By actively choosing to engage in coalition building with the key stakeholders of the public defense system, including judges, PDO, CAPDS, prosecutors, Pretrial Services, CLS, and OCA, the county can work to build relationships, improve communication and coordination among system partners. As a first step, the county should consider conducting a 'cultural audit' to better understand the organizational culture of the public defense system from the perspectives of the different stakeholders. The goal of this audit should be to identify underlying issues, align stakeholders around shared goals, and foster a more collaborative environment with opportunities for mutual learning, such as through co-counsel opportunities.³⁶

3. Offer training opportunities for the local bar that include CAPDS, PDO and prosecutors.

Currently, the training opportunities offered to local attorneys are siloed by their respective organizations. We recommend conducting at least one multiagency training that is available to attorneys affiliated with CAPDS, the PDO, as well as prosecutors. This training will offer the attorneys opportunities to build informal relationships with one another. Additionally, it will allow for the uniform dissemination of updates to local and state laws. This will further help to standardize and improve the quality of representation for all defendants in Travis County. At the same time, each office should continue offering its own internal trainings to address office-specific needs, workflows, and practice standards.

4. Conduct targeted efforts to recruit and retain attorneys for indigent defense.

A common concern across stakeholder groups is the shortage of attorneys willing to take indigent defense cases. We recommend that all primary county units collaborate to develop and implement a strategic

³⁴ Ahmed, R. K., Muhammed, K. H., Pappel, I., & Draheim, D. (2021). Impact of e-court systems implementation: a case study. *Transforming Government: People, Process and Policy*, 15(1), 108-128.

³⁵ Maroz, R., Popova, O., & Satizábal Acosta, S. (2024). Digitizing Court Systems: Benefits and Limitations. Retrieved from: <https://openknowledge.worldbank.org/server/api/core/bitstreams/f1adc529-4535-4f70-9bc0-b4860918f663/content>

³⁶ Schraeder, M., Tears, R. S., & Jordan, M. H. (2005). Organizational culture in public sector organizations: Promoting change through training and leading.

recruitment plan to expand the attorney pool. This effort should involve CLS, CAPDS, the PDO, judges, the prosecutor's office, and other key partners, and should be sustained rather than one-time. Potential strategies include annual workshops, conference presentations, law school outreach, internship programs, and similar initiatives.

Recommendations for the Commissioners Court

1. Conduct a shared visioning session with leadership from CAPDS, the PDO and CLS.

Stakeholders expressed frustration that they did not have the same vision for the public defense system in Travis County as the Commissioners Court. In an effort to continue to build relationships across departments and organizations, we propose the Commissioners Court host a working session that includes leadership from CAPDS, the PDO, and CLS to discuss the future of public defense in Travis County. This will allow each group to discuss their perspective and all stakeholders to build toward a common goal.

2. Consider an organizational realignment with CAPDS and the PDO reporting to CLS while ensuring independence of representation.

CLS is charged with providing attorneys and other legal services to the indigent people of Travis County, however, the two largest providers of those services do not directly report to CLS. An organizational realignment of CAPDS and the PDO with oversight provided by CLS will allow for the standardization of services and additional accountability. This standardization and oversight will improve public defense services which will have a direct benefit to the clients served.

3. Assess the salaries of PDO attorneys.

Many stakeholders reported concern about the ability to recruit and retain qualified and competent attorneys at the PDO. Almost unanimously, stakeholders reported that salary was the cause of this difficulty. The research team recommends the Commissioners Court conduct a thorough analysis of the PDO salaries in comparison to the payments made to CAPDS attorneys as well as PDO positions in similar jurisdictions. The Commissioners Court should consider adjusting the salaries of the PDO attorneys to be commensurate with equivalent positions.

Recommendations for CAPDS

1. Monitor attorney performance to limit variation in quality.

Most feedback about CAPDS attorneys emphasized the wide variation in the quality of representation. CAPDS should use up-to-date data to continuously monitor attorney performance, incentivize high-quality work, and provide training, mentorship, and support for attorneys who are not meeting expectations. In partnership with

the county, CAPDS can also develop and adopt measurable performance benchmarks to ensure greater consistency and accountability.

2. Improve the process of removing an attorney from the panel.

Stakeholders' complaints regarding CAPDS attorneys centered around their uncertainty about how, or if, attorneys were removed from the panels when complaints were made. Stakeholders recognized the need for CAPDS to investigate complaints and err on the side of caution, however, stakeholders felt there were still some 'bad actors' on the panels. The research team recommends evaluating the removal process and making it more transparent for stakeholders. This will give more credibility to the system.

Recommendations for the PDO

1. Build relationships with other stakeholders in the county.

Stakeholders praised the PDO for the relationships their attorneys develop with their clients. However, stakeholders would value a good working relationship with the PDO. Travis County is viewed as a collegial community, and many stakeholders wished the PDO would engage in relationship building with them. Some stakeholders felt they had little to no relationship with the PDO. The research team recommends the PDO work to build strong relationships with the key stakeholders in Travis County.

2. Create a roadmap to increase case share.

The PDO was established to serve up to 30 percent of all appointed cases in Travis County. While the PDO's case share has steadily increased over time, the PDO has been unable to represent that share of cases to date. Though many factors, such as attorney hiring and retention, and recommended caseloads contribute to this, the research team recommends the PDO explore avenues to increase their ability to represent indigent defendants in Travis County. The PDO should create a roadmap and share it with all stakeholders to gather support and the required resources to increase the office's capacity.

Recommendations for the Judiciary

1. Increase number of dockets and courthouse hours.

Stakeholders frequently reported that court dockets had not returned to pre-pandemic levels. In their opinion, the reduced number of dockets and shifts to e-mail based dockets have hindered the speed at which resolutions can be achieved in cases. The research team recommends increasing the number of in-person dockets. This will allow for more in-person meetings of clients with their attorneys and more opportunities for prosecutors and defense attorneys to discuss cases.

2. Promote courtroom efficiency.

Collaborate with Pretrial Services, county staff, CAPDS, and PDO to digitize paperwork and reduce administrative delays to expand courtroom efficiency.

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Appendix A – Stakeholder Interview Questionnaires

Interview Questions for County Officials

1. Tell us a bit about your role in the County and how do you interact with the public defense services in Travis County?
2. What do you know about the process a defendant/respondent goes through to get a court appointed attorney? What can you describe about the process a defendant/respondent goes through to get a court appointed attorney?
3. What can you tell us about the public defense system in Travis County?
4. How do the CAPDS and PDO offices contribute to the public defense services in Travis County?
5. What does quality representation mean to you? What are the key attributes for good quality representation?
6. Do you interact with the PDO and CAPDS? If so, does each office meet your expectations for quality representation? Why or Why not?
7. What would you most like to keep about the current public defense system in Travis County? Why?
8. If you could change anything in the current public defense system in Travis County, what would it be and why?
9. Is there anything about your experience with the public defense services in Travis County that you would like us to know?

Interview Questions for Judges

Process

1. What do you know about the process a defendant/respondent goes through to get a court appointed attorney? What can you describe about the process a defendant/respondent goes through to get a court appointed attorney?
2. What does quality representation mean to you? What are the key attributes for good quality representation?
3. Tell us about your interactions with the CAPDS and PDO offices. What are some of the successes and challenges? How are the offices co-existing together?
4. How satisfied are you with the current public defense system in Travis County? (very satisfied/somewhat satisfied/not satisfied). Why do you feel that way?
5. What is lacking in the current public defense process in Travis County? What would be your recommendations to improve the system?
6. From your perspective, do you feel Travis County spends too little or too much on public defense representation? Why?
7. Is there anything about your experience with the current system that you would like us to know?

Attorneys

1. How would you describe the attorneys available to represent indigent defendants/respondents in Travis County?
2. How would you say CAPDS panel attorneys or PDO attorneys general perform in your courts as far as your expectations of quality representation? Why?
3. From your experience, what are the qualities and practices of PDO or CAPDS attorneys who provide excellent representation for their client? What are the qualities and practices of PDO or CAPDS attorneys who provide poor representation for their client?
4. To your knowledge, what type of training or mentoring do junior attorneys in the PDO or CAPDs receive? Do you believe it is sufficient? Why or why not?
5. Do you feel that PDO and CAPDS attorneys are compensated "fairly"? Why or why not?
6. The Texas Indigent Defense Commission sets forth recommended caseload standards for attorneys representing indigent defendants. Does your county refer to these standards or other standards like them? If so, do you feel that attorney caseloads are too low, just about right, or too high in your jurisdiction? What are some recommended changes to the caseloads?

Interview Questions for Attorneys

1. Describe the process a defendant/respondent goes through to get a court appointed attorney? What do you think works well? What could be improved upon?
2. Do you work with CAPDS, PDO, or neither? Can you share your experience with representing indigent defendants/respondents in Travis County from your perspective?
3. What does quality representation mean to you? What are the key attributes for good quality representation?
4. What are some of the successes and challenges you face as an attorney in Travis County?
5. How do you feel about caseloads in Travis County? Do you have all the resources you need to address your caseload? What else do you need?
6. How challenging is it for you to contact and maintain contact with your indigent clients? What obstacles do you face? What supports could you use to overcome these obstacles?
7. Do you have any concerns about judicial practices in Travis County? If so, what are they?
8. What is the current public defense process lacking in Travis County? What would be your recommendations to improve the system?
9. Do you have recommendations for recruiting and retaining qualified attorneys?
10. Is there anything about your experience that you would like us to know?

For CAPDS Attorneys:

1. Do you take retained cases?
2. Do you take appointments in counties other than Travis County?
3. How do you feel about your caseload?

Interview Questions for Community Groups

1. Tell us a bit about how you are involved with regards to public defense representation in Travis County.
2. What is working well in terms of public defense representation in Travis County?
3. What are your concerns regarding public defense representation in Travis County?
4. What does quality representation mean to you? What are the key attributes for good quality representation?
5. What is the current public defense process lacking in Travis County? What would be your recommendations to improve the system?
6. Is there anything about your experience that you would like us to know?

Appendix B – Client Survey



Consent

Title of Research Study: Travis County Public Defense Evaluation

Investigator: Georges Naufal

Why am I being asked to take part in this research study?

You are invited to participate in this study because we are trying to learn more about: the overall effectiveness of Travis County's public criminal defense system.

You were selected as a possible participant in this study because you have been previously identified as having had a criminal case disposed of in Travis County within the last year. You must be 18 years of age or older to participate.

Why is this research being done?

This survey is designed to gather feedback about the process by which public defense is operating in Travis County from the perspective of the defendant as well as to identify areas of excellence and areas for improvement within the system. Further, this survey will also seek feedback about the elements of quality public defense representation in Travis County.

How long will the research last?

It will take about 15 minutes to complete the survey.

What happens if I say "Yes, I want to be in this research"?

If you decide to participate, please do the following: If you wish to participate, please click the "I Agree" button and you will be taken to the survey.

What happens if I do not want to be in this research?

Your participation in this study is voluntary. You can decide not to participate in this research, and it will not be held against you. You can leave the study at any time.

Is there any way being in this study could harm me?

There are no sensitive questions in this survey that should cause discomfort. However, you can skip any question you do not wish to answer or exit the survey at any point.

What happens to the information collected for the research?

Efforts will be made to limit the use and disclosure of your personal information, including research study and other records, to people who have a need to review this information. We cannot promise complete privacy. Organizations that may inspect and copy your information include the TAMU HRPP/IRB and other representatives of this institution.

Your information will be kept confidential to the extent allowed by law. The results of the research study may be published but your identity will remain confidential

You may view the survey host's confidentiality policy at

<https://www.qualtrics.com/support/survey-platform/getting-started/data-protection-privacy/>

No direct personal identifiers will be collected.

Who can I talk to?

Please feel free to ask questions regarding this study. You may contact me, Jena Prescott, later if you have additional questions or concerns at (979) 845-8800 and jprescott@tamu.edu.

You may also contact the Human Research Protection Program at Texas A&M University (which is a group of people who review the research to protect your rights) by phone at 1-979-458-4067, toll free at 1-855-795-8636, or by email at irb@tamu.edu for:

- additional help with any questions about the research
- voicing concerns or complaints about the research
- obtaining answers to questions about your rights as a research participant
- concerns in the event the research staff could not be reached

- the desire to talk to someone other than the research staff

If you want a copy of this consent for your records, you can print it from the screen.

- If you wish to participate, please click the "**I Agree**" button and you will be taken to the survey.
- If you do not wish to participate in this study, please select "**I Disagree**" or select **X** in the corner of your browser

Default Question Block

Do you have any pending/active criminal cases with Travis County?

- Yes
- No

The following questions refer to your **most recently disposed** criminal case in **Travis County**.

Did you hire an attorney?

- Yes
- No

Did you request an attorney to be appointed to you?

- Yes
- No
- Other, please specify:

Do you remember your attorney's name?

- Yes
- No
- I represented myself

Please select your attorney's name from the drop down list below.

Your most recent attorney worked for the

- Public Defender's Office (PDO)
- Capital Area Private Defender Service (CAPDS)
- I don't know

How informed did you feel about the attorney appointment process?

- Very informed
- Somewhat informed
- Neither informed nor uninformed
- Somewhat uninformed
- Very uninformed

How did your attorney first contact you?

- Letter
- Email
- Phone Call
- Text Message
- In-Person Visit
- In Court
- Other
- Not Applicable

When did your attorney first contact you after being appointed to your case?

- In 1 day
- In 2 days
- In 3 days
- More than 3 days
- Not sure
- Not applicable

How easy was it for you to contact your attorney?

- Easy
- Neutral
- Hard

What obstacles did you face contacting your attorney?

How many times would you estimate that you spoke with your attorney throughout your case?

Number of Phone Calls

Number of Emails

Number of Texts

Number of In-Person Conversations

Do you feel like your attorney listened to your concerns?

- Yes
- No
- Not sure

Why do you feel your attorney did or did not listen to your concerns?

Do you feel like your attorney spent enough time on your case?

- Yes
- No
- Not sure

Why do you feel your attorney did or did not spend enough time on your case?

Perception of Treatment in Travis County

Whenever the courts did not hear your case right away, someone explained why you had to wait.

- Always
- Often
- Sometimes
- Rarely
- Never

Not sure

In court, you understood what was going on.

Always
 Often
 Sometimes
 Rarely
 Never
 Not sure

In court, your defense attorney spoke up on your behalf.

Always
 Often
 Sometimes
 Rarely
 Never
 Not sure

The prosecutor treated you respectfully.

Always
 Often
 Sometimes

- Rarely
- Never
- Not sure

The judge treated you respectfully.

- Always
- Often
- Sometimes
- Rarely
- Never
- Not sure

The judge made sure you understood what was going on.

- Yes
- No
- Not sure

Overall, you felt the outcome of your case was fair.

- Yes
- No
- Not sure

Overall, you were treated with respect in court.

- Yes
- No
- Not sure

Open Ended

What does quality representation mean to you? What are the key attributes for good quality representation?

What is the current public defense process lacking in Travis County? What would be your recommendations to improve the system?

Is there anything else about your experience that you would like us to know?

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Appendix C – Time Markers Used in Each Figure and Table

Table 1. List of Time Markers Used per Figure/Table

Figure/Table	Time Marker
Figure 2. Number of People Represented by Attorney Type Over Time	Appointment Year
Figure 3. Number of Appointed Cases by Attorney Type Over Time	Appointment Year
Figure 4. Number of Appointed Cases by Case Type and Attorney Type Over Time	Appointment Year
Figure 5. Percent of Felony/Misdemeanor Cases Appointed by Attorney Type Over Time	Appointment Year
Figure 6. Attorney Type Distribution by Case Type and Appointment Year	Appointment Year
Table 3. Row Percentages of Highest Charge Levels by Attorney Type	Appointment Year
Figure 7. Distribution of Felony Charges by Attorney Type and Year	Appointment Year
Figure 8. Distribution of Misdemeanor Charges by Attorney Type and Year	Appointment Year
Table 4. Percentages of Highest Charge Levels by Attorney Type	Appointment Year
Figure 13. Number of Cases Initiated by Year	Case Initiation Year
Figure 14. Number of Cases Disposed by Year	Disposition Year
Figure 15. Average Days from Appointment to Initial Contact (CAPDS)	Appointment Year
Figure 16. Initial Contact Type by Year (CAPDS)	Appointment Year
Figure 17. Average Length of Face-to-Face Meeting by Year (CAPDS)	Appointment Year

Figure 18. Average Days from Appointment to First Disposition	Appointment Year
	Appointment Year
Table 6. Average Days from Appointment to First Disposition by Charge Type	
Figure 19. Average Pretrial Jail Days	Appointment Year
Figure 20. CAPDS Expert Witness, Investigator, and Social Worker Use Over Time (Percentage of Cases)	Appointment Year
Figure 21. CAPDS Expert Witness and Investigator Average Cost in USD	Appointment Year
Figure 22. Average Number of Settings by Year	Appointment Year
Figure 23. Number of Jury Trials by Year of Trial	Appointment Year
Figure 24. First Disposition Type	Appointment Year
Table 10. Percentage Breakdown of First Disposition Types by Year and Attorney Type	Appointment Year
Figure 25. Sentencing Type – If Convicted	Appointment Year
Table 11. Percentage Breakdown of Sentencing Types by Attorney Type and Year	

Figure 26. Average Number of Sentencing Days (PDO)	Appointment Year
Figure 27. Average Number of Sentencing Days (CAPDS)	Appointment Year
Figure 28. Average Number of Sentencing Days (Retained)	Appointment Year
Figure 29. Number of Cases Appointed to CAPDS by Year	Appointment Year
Figure 30. Number of CAPDS Attorneys Appointed by Year	Appointment Year
Figure 31. Average Number of Cases Appointed Per Attorney to CAPDS Over Time	Appointment Year
Figure 32. Number of Cases Appointed to PDO by Year	Appointment Year
Figure 33. Number of PDO Attorneys Eligible for Appointment by Year	Appointment Year
Figure 34. Average Number of Cases Appointed Per Attorney to PDO Over Time	Appointment Year

Appendix D – Case outcomes Analysis by Demographics

Table 1. Race Distribution within each Case Outcome – PDO

First Disposition	Race	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	White	66.50	65.35	66.30	66.34	66.12
	Black	32.74	33.70	31.59	33.47	32.87
	Other	0.76	0.94	2.11	0.20	1.00
	Total (N)	394	635	899	505	2,433
Deferred Adjudication	White	63.04	59.09	64.29	85.71	68.03
	Black	34.78	38.64	33.93	14.29	30.41
	Other	2.17	2.27	1.79	0.00	2.08
	Total (N)	46	44	56	14	160
Probation	White	57.14	60.00	71.43	0.00	62.86
	Black	42.86	40.00	14.29	100.00	49.29
	Other	0.00	0.00	14.29	0.00	14.29
	Total (N)	7	5	7	2	21
Convicted	White	61.90	71.43	68.02	63.27	66.15
	Black	36.90	27.70	31.22	36.73	33.14
	Other	1.19	0.87	0.76	0.00	0.94
	Total (N)	168	343	394	294	1,199
Charges Rejected	White	63.85	63.27	69.22	64.24	65.14
	Black	35.38	35.77	29.30	33.75	33.55
	Other	0.77	0.96	1.48	2.01	1.31
	Total (N)	260	520	744	646	2,170
Total	White	62.49	63.83	67.85	69.89	65.81
	Black	36.53	35.16	28.06	43.65	35.85
	Other	1.22	1.26	4.08	1.11	2.17
	Total (N)	875	1,547	2,100	1,461	5,983

Table 2. Race Distribution within each Case Outcome – CAPDS

First Disposition	Race	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	White	67.95	68.51	68.25	69.00	68.43
	Black	30.89	30.39	30.49	29.82	30.40
	Other	1.16	1.11	1.26	1.19	1.18
	Total (N)	4,231	4,252	4,378	2,190	15,051
Acquitted/Not Guilty	White	100.0	50.00	50	0.00	66.67
			0			
	Black	0.00	50.00	50	100.00	66.67
	Total (N)	1	8	2	1	12
Deferred Adjudication	White	66.28	68.41	66.83	70.90	68.10
	Black	32.99	31.04	32.04	28.57	31.16
	Other	0.73	0.55	1.13	0.53	0.73
	Total	688	728	618	189	2,223
Probation	White (N)	79.37	73.96	85.71	73.53	78.14
	Black	19.84	23.96	13.19	26.47	20.86
	Other	0.79	2.08	1.10	0.00	1.33
	Total (N)	126	96	91	34	347
Convicted	White	68.71	69.85	71.50	71.37	70.36
	Black	30.60	29.62	28.04	28.05	29.08
	Other	0.69	0.53	0.46	0.58	0.57
	Total (N)	3,023	3,373	3,695	2,567	12,658
Charges Rejected	White	68.22	67.93	68.89	66.55	67.90
	Black	30.82	31.11	29.97	32.27	31.04
	Other	0.95	0.97	1.14	1.18	1.06
	Total (N)	2,936	3,311	3,951	2,550	12,748
Total	White	75.09	66.44	68.53	70.27	70.07
	Black	29.03	32.69	30.62	40.86	33.49
	Other	0.87	1.05	1.02	0.87	0.95
	Total (N)	11,00	11,768	12,73	7,531	43,035
		5		5		

Table 3. Race Distribution within each Case Outcome – Retained

First Disposition	Race	Year			Average (%)
		2021	2022	2023	
Dismissed	White	81.36	80.07	80.10	79.37
	Black	16.46	17.29	17.48	17.16
	Other	2.18	2.64	2.42	3.47
	Total (N)	2,436	2,609	1,859	606
Acquitted/Not Guilty	White	0.00	0.00	100	100
	Black	100	100	0.00	0.00
	Total (N)	3	3	2	0
Deferred Adjudication	White	85.59	84.51	87.73	87.02
	Black	12.88	13.58	9.41	9.12
	Other	1.53	1.91	2.86	3.86
	Total (N)	458	523	489	285
Probation	White	88.33	86.92	84.81	86.11
	Black	10.83	10.28	13.92	13.89
	Other	0.83	2.80	1.27	0.00
	Total (N)	120	107	79	36
Convicted	White	86.38	83.52	82.68	83.66
	Black	12.68	14.76	16.50	14.79
	Other	0.93	1.72	0.82	1.56
	Total (N)	749	874	612	257
Charges Rejected	White	78.63	76.58	76.27	76.56
	Black	19.79	21.34	21.64	20.00
	Other	1.58	2.08	2.09	3.44
	Total (N)	1,137	1,490	1,243	610
Total	White	84.06	82.32	85.26	82.54
	Black	28.77	29.54	15.79	14.99
	Other	1.41	2.23	1.89	3.08
	Total (N)	4,903	5,606	4,284	1,794

Table 4. Age Distribution within each Case Outcome – PDO

First Disposition	Age Category	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	17–24	21.95	17.41	18.42	12.30	17.52
	25–34	34.16	36.21	35.09	29.88	33.83
	35–44	24.94	29.58	25.99	36.13	29.16
	45–54	11.47	11.71	13.16	13.87	12.55
	55–64	5.99	4.31	5.59	5.27	5.29
	65+	1.50	0.77	1.75	2.54	1.64
	Total (N)	401	649	912	512	2,474
Deferred Adjudication	17–24	28.26	24.44	26.79	7.14	21.65
	25–34	32.61	48.89	41.07	35.71	39.57
	35–44	21.74	20.00	26.79	28.57	24.27
	45–54	15.22	4.44	1.79	14.29	8.93
	55–64	2.17	2.22	3.57	7.14	3.77
	65+	0.00	0.00	0.00	7.14	7.14
	Total (N)	46	45	56	14	161
Probation	17–24	57.14	20.00	28.57	0.00	35.23
	25–34	14.29	40.00	14.29	50.00	29.64
	35–44	14.29	0.00	42.86	0.00	28.57
	45–54	14.29	20.00	14.29	0.00	16.19
	55–64	0.00	0.00	0.00	50.00	50.00
	65+	0.00	20.00	0.00	0.00	20.00
	Total (N)	7	5	7	2	21
Convicted	17–24	13.69	9.04	6.82	6.46	9.01
	25–34	36.90	40.23	38.89	29.93	36.49
	35–44	36.31	36.15	34.60	37.07	36.03
	45–54	8.33	9.91	12.63	16.33	11.80
	55–64	2.98	3.79	5.56	8.50	5.21
	65+	1.79	0.87	1.52	1.70	1.47
	Total (N)	168	343	396	294	1,201
Charges Rejected	17–24	16.86	15.46	18.23	10.80	15.33
	25–34	36.78	33.40	34.18	30.25	33.65
	35–44	26.44	31.87	28.15	33.64	30.02
	45–54	10.73	12.02	11.39	14.51	12.16
	55–64	7.66	6.30	6.30	8.64	7.22
	65+	1.53	0.95	1.74	2.16	1.60
	Total (N)	261	524	746	648	2,179

Total	17–24	27.58	17.27	19.77	9.18	18.93
	25–34	30.95	39.75	32.70	35.16	34.63
	35–44	24.74	29.40	31.68	33.86	29.73
	45–54	12.01	11.62	10.65	14.75	12.12
	55–64	4.70	4.16	5.25	15.91	8.00
	65+	1.60	5.65	1.67	3.39	3.28
	Total (N)	883	1,566	2,117	1,470	6,036

Table 5. Age Distribution within each Case Outcome – CAPDS

First Disposition	Age Category	Year			Average (%)
		2021	2022	2023	
Dismissed	17–24	22.87	23.11	21.63	17.54
	25–34	36.24	36.53	34.67	36.01
	35–44	24.19	23.30	25.89	27.31
	45–54	10.12	10.57	11.51	12.34
	55–64	5.43	5.14	4.95	4.88
	65+	1.14	1.35	1.36	1.91
	Total (N)	4,307	4,361	4,485	2,252
Acquitted/Not Guilty	17–24	0.00	37.50	0.00	37.50
	25–34	0.00	0.00	50.00	50.00
	35–44	100.00	12.50	50.00	0.00
	45–54	0.00	12.50	0.00	100.00
	55–64	0.00	25.00	0.00	0.00
	65+	0.00	12.50	0.00	0.00
	Total (N)	1	8	2	1
Deferred Adjudication	17–24	28.57	26.87	26.79	23.59
	25–34	39.43	39.35	36.04	40.51
	35–44	20.43	20.90	24.56	21.54
	45–54	8.43	7.73	8.29	11.28
	55–64	2.43	4.34	3.35	2.05
	65+	0.71	0.81	0.96	1.03
	Total (N)	700	737	627	195
Probation	17–24	20.93	15.46	15.05	17.14
	25–34	45.74	49.48	44.09	34.29
	35–44	20.16	19.59	27.96	25.71
	45–54	7.75	10.31	8.60	11.43
	55–64	5.43	4.12	4.30	11.43
	65+	0.00	1.03	0.00	0.00
	Total (N)	129	97	93	35
Convicted	17–24	13.85	13.04	12.72	9.59
	25–34	37.25	36.21	33.06	34.25
	35–44	28.43	30.54	30.48	32.19
	45–54	12.96	12.60	15.44	15.65
	55–64	6.52	6.90	6.95	6.91
	65+ (N)	0.99	0.71	1.35	1.40
	Total	3,039	3,389	3,711	2,575
					12,714

Charges Rejected	17–24	19.34	19.59	20.04	16.47	18.86
	25–34	34.93	33.40	33.36	32.94	33.66
	35–44	25.77	27.77	26.46	28.08	27.02
	45–54	12.04	11.95	12.82	14.29	12.78
	55–64	6.87	5.99	5.59	6.66	6.28
	65+ (N)	1.05	1.29	1.73	1.56	1.41
	Total	2,957	3,338	3,987	2,568	12,850
Total	17–24	21.11	22.60	19.25	16.87	20.08
	25–34	38.72	38.99	38.54	35.60	37.99
	35–44	36.50	22.43	30.89	26.97	29.29
	45–54	10.26	10.94	11.33	27.50	15.39
	55–64	5.33	8.58	5.03	6.39	6.44
	65+	0.97	2.95	1.35	1.47	1.83
	Total (N)	11,133	11,930	12,905	7,626	43,594

Table 6. Age Distribution within each Case Outcome – Retained

First Disposition	Age Category	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	17–24	20.59	20.36	21.33	14.81	19.27
	25–34	41.66	40.26	40.10	38.12	40.03
	35–44	21.54	24.45	21.99	25.93	23.48
	45–54	10.91	10.36	10.71	12.96	11.24
	55–64	4.03	3.69	4.69	6.02	4.61
	65+	1.26	0.88	1.17	2.16	1.37
	Total (N)	2,530	2,740	1,960	648	7,878
Acquitted/Not Guilty	17–24	0.00	33.33	0.00	0.00	33.33
	25–34	50.00	33.33	33.33	0.00	38.89
	35–44	25.00	33.33	33.33	0.00	30.56
	45–54	25.00	0.00	33.33	0.00	29.17
	Total (N)	4	3	3	0	10
Deferred Adjudication	17–24	20.97	17.84	13.73	17.59	17.53
	25–34	41.10	40.33	44.71	41.38	41.88
	35–44	23.73	23.98	27.65	22.76	24.53
	45–54	9.96	13.01	8.82	12.07	10.97
	55–64	2.75	4.09	4.31	4.83	4.00
	65+	1.48	0.74	0.78	1.38	1.10
	Total (N)	472	538	510	290	1,810
Probation	17–24	18.18	14.02	7.50	2.78	10.62
	25–34	38.84	42.99	31.25	36.11	37.30
	35–44	32.23	20.56	33.75	30.56	29.27
	45–54	8.26	13.08	21.25	19.44	15.51
	55–64	1.65	8.41	6.25	8.33	6.16
	65+	0.83	0.93	0.00	2.78	1.51
	Total (N)	121	107	80	36	344
Convicted	17–24	10.54	11.07	12.20	14.18	12.00
	25–34	38.87	37.97	37.24	39.08	38.29
	35–44	28.59	28.93	29.70	24.90	28.03
	45–54	13.18	14.46	13.96	11.88	13.37
	55–64	7.77	5.42	4.98	7.66	6.46
	65+	1.05	2.15	1.93	2.30	1.86
	Total (N)	759	885	623	261	2,528
Charges Rejected	17–24	25.37	24.51	25.16	25.91	25.23
	25–34	40.43	42.12	38.04	35.23	38.96

	35–44	20.61	20.96	22.20	22.27	21.51
	45–54	9.09	8.41	10.02	9.79	9.33
	55–64	3.98	3.02	3.65	4.74	3.85
	65+	0.52	0.99	0.93	2.05	1.12
	Total (N)	1,155	1,522	1,288	633	4,598
Total	17–24	19.13	20.19	15.98	15.05	17.71
	25–34	41.82	39.50	37.45	37.98	39.24
	35–44	25.28	25.37	28.10	25.28	26.04
	45–54	12.73	11.87	16.35	13.23	13.64
	55–64	4.04	4.93	4.78	6.32	5.01
	65+	1.03	1.14	1.20	2.13	1.39
	Total (N)	5,041	5,795	4,464	1,868	17,168

Table 7. Gender Distribution within each Case Outcome – PDO

First Disposition	Gender	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	Female	18.95	22.50	21.69	23.05	21.55
	Male	81.05	77.50	78.31	76.95	78.45
	Total (N)	401	649	913	512	2,475
Deferred Adjudication	Female	26.09	15.56	16.07	21.43	19.79
	Male	73.91	84.44	83.93	78.57	80.21
	Total (N)	46	45	56	14	161
Probation	Female	14.29	20.00	14.29	100.00	37.14
	Male	85.71	80.00	85.71	0.00	83.81
	Total (N)	7	5	7	2	21
Convicted	Female	16.67	12.24	12.37	11.90	13.30
	Male	83.33	87.76	87.63	88.10	86.70
	Total (N)	168	343	396	294	1,201
Charges Rejected	Female	18.77	23.66	24.26	20.22	21.73
	Male	81.23	76.34	75.74	79.78	78.27
	Total (N)	261	524	746	648	2,179
Total	Female	18.95	18.79	17.74	35.32	22.70
	Male	81.05	81.21	82.26	80.85	81.37
	Total (N)	883	1,566	2,118	1,470	6,037

Table 8. Gender Distribution within each Case Outcome – CAPDS

First Disposition	Gender	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	Female	22.64	24.32	24.21	25.12	24.07
	Male	77.36	75.68	75.79	74.88	75.93
	Total (N)	4,303	4,354	4,482	2,249	15,388
Acquitted / Not Guilty	Female	100	12.50	0.00	0.00	56.25
	Male	0.00	87.50	100	100	95.83
	Total (N)	1	8	2	1	12
Deferred Adjudication	Female	18.74	23.07	20.10	20.10	20.50
	Male	81.26	76.93	79.90	79.90	79.50
	Total (N)	699	737	627	194	2,257
Probation	Female	20.93	22.68	18.28	20.00	20.47
	Male	79.07	77.32	81.72	80.00	79.53
	Total (N)	129	97	93	35	354
Convicted	Female	14.41	14.49	14.58	12.97	14.11
	Male	85.59	85.51	85.42	87.03	85.89
	Total (N)	3,039	3,389	3,711	2,575	12,714
Charges Rejected	Female	24.73	21.91	22.83	22.27	22.93
	Male	75.27	78.09	77.17	77.73	77.07
	Total (N)	2,956	3,337	3,986	2,568	12,847
Total	Female	33.57	19.83	20.00	20.09	23.68
	Male	79.71	80.17	83.33	83.25	81.70
	Total (N)	11,127	11,92	12,90	7,622	43,572
		2	1			

Table 9. Gender Distribution within each Case Outcome – Retained

First Disposition	Gender	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	Female	21.84	22.54	22.83	26.20	23.35
	Male	78.16	77.46	77.17	73.80	76.65
	Total (N)	2,527	2,737	1,958	645	7,867
Acquitted / Not Guilty	Female	0.00	0.00	33.33	0.00	33.33
	Male	100	100	66.67	0.00	88.89
	Total (N)	3	3	3	0	9
Deferred Adjudication	Female	20.81	24.54	28.43	26.55	25.08
	Male	79.19	75.46	71.57	73.45	74.92
	Total (N)	471	538	510	290	1,809
Probation	Female	17.36	20.56	32.50	25.00	23.85
	Male	82.64	79.44	67.50	75.00	76.15
	Total (N)	121	107	80	36	344
Convicted	Female	17.26	15.84	14.61	16.86	16.14
	Male	82.74	84.16	85.39	83.14	83.86
	Total (N)	759	884	623	261	2,527
Charges Rejected	Female	24.59	20.13	20.76	25.00	22.62
	Male	75.41	79.87	79.24	75.00	77.38
	Total (N)	1,155	1,520	1,286	632	4,593
Total	Female	20.37	20.72	25.41	23.92	22.74
	Male	83.02	82.73	74.59	76.08	79.24
	Total (N)	5,036	5,789	4,460	1,864	17,749

Table 10. Ethnicity Distribution within each Case Outcome – PDO

First Disposition	Ethnicity	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	Non-Hispanic	61.10	59.48	62.98	64.06	61.90
	Hispanic	38.90	40.52	37.02	35.94	38.10
	Total (N)	401	649	913	512	2,475
Deferred Adjudication	Non-Hispanic	73.91	62.22	53.57	42.86	58.14
	Hispanic	26.09	37.78	46.43	57.14	41.86
	Total (N)	46	45	56	14	161
Probation	Non-Hispanic	57.14	80.00	57.14	100.00	73.57
	Hispanic	42.86	20.00	42.86	0.00	35.24
	Total (N)	7	5	7	2	21
Convicted	Non-Hispanic	64.88	58.89	58.59	60.20	60.64
	Hispanic	35.12	41.11	41.41	39.80	39.36
	Total (N)	168	343	396	294	1,201
Charges Rejected	Non-Hispanic	69.35	69.27	61.66	64.20	66.12
	Hispanic	30.65	30.73	38.34	35.80	33.88
	Total (N)	261	524	746	648	2,179
Total	Non-Hispanic	65.28	65.97	58.79	66.26	64.08
	Hispanic	34.72	34.03	41.21	42.17	37.82
	Total (N)	883	1,566	2,118	1,470	6,037

Table 11. Ethnicity Distribution within each Case Outcome – CAPDS

First Disposition	Ethnicity	Year			Average (%)
		2021	2022	2023	
Dismissed	Non-Hispanic	62.11	60.22	58.31	56.75
	Hispanic	37.89	39.78	41.69	43.25
	Total (N)	4,307	4,361	4,485	2,252
Acquitted/Not Guilty	Non-Hispanic	0.00	75.00	50.00	100.00
	Hispanic	100.00	25.00	50.00	0.00
	Total (N)	1	8	2	1
Deferred Adjudication	Non-Hispanic	58.43	61.74	58.05	56.41
	Hispanic	41.57	38.26	41.95	43.59
	Total (N)	700	737	627	195
Probation	Non-Hispanic	53.49	59.79	35.48	54.29
	Hispanic	46.51	40.21	64.52	45.71
	Total (N)	129	97	93	35
Convicted	Non-Hispanic	60.91	56.77	53.89	54.21
	Hispanic	39.09	43.23	46.11	45.79
	Total (N)	3,039	3,389	3,711	2,757
Charges Rejected	Non-Hispanic	65.47	63.93	60.23	63.24
	Hispanic	34.53	36.07	39.77	36.76
	Total (N)	2,957	3,338	3,988	2,568
Total	Non-Hispanic	60.08	62.91	52.66	64.15
	Hispanic	49.93	37.09	47.34	43.02
	Total (N)	11,133	11,930	12,906	7,626
					43,595

Table 12. Ethnicity Distribution within each Case Outcome - Retained

First Disposition	Ethnicity	Year				Average (%)
		2021	2022	2023	2024	
Dismissed	Non-Hispanic	58.54	56.65	56.68	60.65	58.13
	Hispanic	41.46	43.35	43.32	39.35	41.87
	Total (N)	2,530	2,743	1,962	648	7,883
Acquitted/Not Guilty	Non-Hispanic	0.00	100.00	66.67	0.00	88.89
	Hispanic	0.00	0.00	33.33	0.00	33.33
	Total (N)	4	3	3	0	10
Deferred Adjudication	Non-Hispanic	55.30	53.72	56.47	53.45	54.73
	Hispanic	44.70	46.28	43.53	46.55	45.27
	Total (N)	472	538	510	290	1,810
Probation	Non-Hispanic	58.68	38.32	0.00	55.00	48.42
	Hispanic	41.32	61.68	0.00	45.00	51.58
	Total (N)	121	107	80	36	344
Convicted	Non-Hispanic	54.40	53.84	51.92	45.98	51.53
	Hispanic	45.60	46.16	48.08	54.02	48.47
	Total (N)	761	886	624	261	2,532
Charges Rejected	Non-Hispanic	56.19	56.16	58.85	63.51	58.68
	Hispanic	43.81	43.84	41.15	36.49	41.32
	Total (N)	1,155	1,526	1,288	633	4,602
Total	Non-Hispanic	63.85	59.78	57.60	53.05	58.81
	Hispanic	43.38	48.26	42.40	46.95	45.11
	Total (N)	5,043	5,803	4,467	1,868	17,181

Appendix E – Case outcomes Analysis by Charge Type

Table 1. First Disposition by Attorney Type and Charge Type

Appointment Year	Attorney Type	Highest Charge Type	First Disposition Outcome						Total (N)
			Dismissed	Acquitted/Not Guilty	Deferred Adjudication	Probation	Convicted	Charges Rejected	
2021	PDO	Misdemeanor	52.02	0.00	3.09	0.81	19.76	24.33	744
		Felony	35.90	0.00	5.48	0.20	14.20	44.22	493
	CAPDS	Misdemeanor	44.44	0.01	4.25	1.21	30.79	19.31	9,267
		Felony	33.89	0.02	6.02	0.37	19.72	39.98	6,465
	Retained	Misdemeanor	55.90	0.09	10.04	3.13	16.30	14.53	4,245
		Felony	37.52	0.00	4.40	0.06	7.96	50.06	1,546
	PDO	Misdemeanor	49.50	0.00	2.15	0.38	21.83	26.13	1,301
		Felony	33.70	0.00	2.11	0.00	16.30	47.89	902
2022	CAPDS	Misdemeanor	41.96	0.06	4.43	1.01	32.02	20.52	9,691
		Felony	29.72	0.04	5.51	0.00	20.41	44.32	6,914
	Retained	Misdemeanor	55.58	0.00	9.73	2.25	16.80	15.64	4,809
		Felony	31.86	0.20	4.59	0.00	7.29	56.07	1,962
	PDO	Misdemeanor	55.49	0.00	2.33	0.37	19.26	22.55	1,885
		Felony	28.04	0.00	2.38	0.00	14.55	55.03	1,134
	CAPDS	Misdemeanor	43.54	0.02	3.85	0.97	33.53	18.09	10,712
		Felony	26.35	0.01	4.61	0.00	18.61	50.42	8,065
2023	Retained	Misdemeanor	55.50	0.00	12.27	2.14	15.49	14.60	3,919
		Felony	25.95	0.16	4.60	0.00	8.29	61.00	1,846
	PDO	Misdemeanor	46.67	0.00	1.04	0.16	20.37	31.76	1,924
		Felony	31.21	0.00	1.25	0.00	15.34	52.19	958

CAPDS	Misdemeanor	37.50	0.00	2.20	0.68	36.22	23.39	8,831
	Felony	29.51	0.02	3.24	0.00	23.05	44.19	5,402
Retained	Misdemeanor	47.31	0.00	14.73	1.96	15.67	20.34	2,247
	Felony	30.08	0.00	4.24	0.00	7.40	58.28	1,014

Appendix F – Sentence Type Analysis by Charge Type

Table 1. Sentence Type by Attorney Type and Charge Type

Appointment Year	Attorney Type	Highest Charge Type	Sentence Type					Total (N)
			Prison	State Jail	Local Jail	Deferred Adj.	Probation	
2021	PDO	Misdemeanor	0.00	0.00	75.18	16.79	8.03	137
		Felony	20.00	2.86	33.33	27.62	16.19	105
	CAPDS	Misdemeanor	0.00	0.00	75.28	13.04	11.68	2,492
		Felony	23.21	9.15	29.19	24.89	13.56	1,792
	Retained	Misdemeanor	0.00	0.00	36.76	33.97	29.28	789
		Felony	20.56	3.74	14.95	38.79	21.96	214
2022	PDO	Misdemeanor	0.00	0.00	83.77	9.27	6.95	302
		Felony	25.14	8.00	45.14	12.57	9.14	175
	CAPDS	Misdemeanor	0.00	0.00	80.94	12.06	7.00	3,500
		Felony	24.15	5.31	37.82	22.45	10.27	1,938
	Retained	Misdemeanor	0.00	0.00	43.24	37.98	18.79	1,235
		Felony	20.38	3.02	13.96	40.75	21.89	265
2023	PDO	Misdemeanor	0.00	0.00	85.49	11.14	3.37	386
		Felony	20.49	8.78	37.56	15.12	18.05	205
	CAPDS	Misdemeanor	0.00	0.00	83.43	10.23	6.34	3,911
		Felony	25.54	9.23	33.60	20.92	10.71	2,036
	Retained	Misdemeanor	0.00	0.00	39.28	45.23	15.49	1,059
		Felony	27.44	3.01	13.16	39.85	16.54	266
2024	PDO	Misdemeanor	0.00	0.00	92.51	4.55	2.94	374

	Felony	18.02	8.72	55.23	6.98	11.05	172
CAPDS	Misdemeanor	0.00	0.00	90.62	5.60	3.78	3,124
	Felony	22.22	7.97	48.33	13.05	8.43	1,494
Retained	Misdemeanor	0.00	0.00	36.61	49.29	14.10	631
	Felony	21.64	4.48	18.66	37.31	17.91	134

Appendix G – Average Pretrial Jail Days Analysis by Demographics

Table 1. Average Pretrial Jail Days by Attorney Type and Race

Attorney Type	Race	Year				Average (days)
		2021	2022	2023	2024	
PDO	White	29.96	38.15	23.54	19.21	27.71
	Black	92.32	33.31	27.54	24.14	44.33
	Other	51.80	23.60	7.71	18.40	25.38
	Total (N)	652	1,077	1,616	1,457	4,150
CAPDS	White	44.24	42.83	36.00	34.08	39.29
	Black	55.95	54.39	43.10	34.33	46.94
	Other	20.54	36.64	28.61	25.37	27.79
	Total (N)	7,724	8,399	9,962	7,866	26,227
Retained	White	2.46	2.95	2.54	3.99	2.98
	Black	11.69	5.79	6.07	4.42	6.99
	Other	0.12	0.21	0.20	3.61	1.04
	Total (N)	3,739	4,165	3,351	1,913	13,168

Table 2. Average Pretrial Jail Days by Attorney Type and Age

Attorney Type	Age Category	Year				Average (days)
		2021	2022	2023	2024	
PDO	17–24	67.60	22.89	17.35	11.56	29.85
	25–34	45.40	40.57	26.12	21.06	33.29
	35–44	62.06	40.63	27.01	26.29	39.00
	45–54	30.21	39.96	23.59	21.96	28.93
	55–64	30.31	25.64	29.33	14.84	25.03
	65+	17.73	14.67	13.38	10.95	14.18
	Total (N)	652	1,077	1,616	1,457	4,150
CAPDS	17–24	46.31	44.21	30.82	29.20	37.63
	25–34	48.94	48.05	38.40	33.32	42.18
	35–44	49.25	46.53	40.65	37.83	43.57
	45–54	48.09	45.45	41.59	35.78	42.73
	55–64	35.48	42.65	39.47	31.50	37.28
	65+	41.76	38.19	32.62	31.09	35.91

	Total (N)	7,726	8,406	9,963	7,868	33,963
Retained	17–24	7.72	4.99	3.55	5.89	5.54
	25–34	3.67	3.06	3.06	3.55	3.33
	35–44	2.38	3.80	3.54	2.76	3.12
	45–54	1.33	1.46	2.25	3.98	2.26
	55–64	1.47	0.66	0.62	6.48	2.31
	65+	0.19	2.16	0.11	4.80	1.82
	Total (N)	3,743	4,168	3,354	1,915	13,180

Table 3. Average Pretrial Jail Days by Attorney Type and Gender

Attorney Type	Gender	Year				Average (days)
		2021	2022	2023	2024	
PDO	Female	24.76	10.60	13.07	12.29	15.18
	Male	57.83	43.84	27.85	23.26	38.20
	Total (N)	652	1,077	1,616	1,457	4,150
CAPDS	Female	22.86	23.73	19.30	18.18	21.01
	Male	54.46	52.52	43.22	38.50	47.17
	Total (N)	7,726	8,406	9,963	7,868	33,963
Retained	Female	1.50	1.65	1.32	1.32	1.45
	Male	4.46	3.80	3.55	4.91	4.18
	Total (N)	3,743	4,168	3,354	1,915	13,180

Table 4. Average Pretrial Jail Days by Attorney Type and Ethnicity

Attorney Type	Ethnicity	Year				Average (days)
		2021	2022	2023	2024	
		1	2	3		
PDO	Non-Hispanic	60.2	31.3	23.7	19.91	33.83
	Hispanic	7	5	6		
	Non-Hispanic	33.7	44.6	25.4	22.03	31.48
	Hispanic	7	7	6		
CAPDS	Total (N)	652	1,07	1,61	1,457	4,151
			8	6		
	Non-Hispanic	45.9	44.4	36.5	31.61	39.63
	Hispanic	2	1	8		
	Non-Hispanic	49.8	48.5	39.5	37.16	43.77
	Hispanic	3	3	5		

	Total (N)	7,72	8,40	9,96	7,868	33,963
		6	6	3		
Retained	Non-Hispanic	4.10	2.52	2.48	2.16	2.82
	Hispanic	3.40	4.24	3.70	6.53	4.47
	Total (N)	3,74	4,16	3,35	1,915	13,180
		3	8	4		

Appendix H – Average Pretrial Jail Days Analysis by Charge Type

Table 1. Average Pretrial Jail Days Analysis by Attorney Type and Charge Type

Charge Type	Attorney Type (Avg(N))			Total
	PDO	CAPDS	Retained	
FX	5.00 (1)	506.88 (34)	79.00 (1)	481.06 (36)
F1	141.41 (128)	177.37 (2458)	50.59 (603)	151.95 (3189)
F2	87.31 (375)	110.13 (6956)	15.79 (1682)	91.57 (9013)
F3	44.11 (579)	65.73 (8934)	9.74 (2816)	51.93 (12329)
FS	32.42 (734)	44.93 (9507)	5.92 (2307)	37.02 (12548)
MA	18.81 (1953)	24.12 (25052)	2.66 (11891)	17.29 (38896)
MB	11.51 (1572)	8.01 (17505)	1.12 (12598)	5.44 (31675)
Total	29.02 (5342)	42.27 (70446)	4.51 (31898)	30.43 (107686)

Appendix I – Percent Detained Pretrial

Table 1. Pretrial Detention Status by Attorney Type and Charge Type

Charge Type	Attorney Type (% (N))			Total
	PDO	CAPDS	Retained	
FX	100.00 (1)	100.00 (34)	100.00 (1)	100.00 (36)
F1	95.31 (128)	92.64 (2458)	50.75 (603)	84.82 (3189)
F2	89.87 (375)	86.76 (6956)	32.40 (1682)	76.74 (9013)
F3	85.66 (579)	81.44 (8934)	28.84 (2816)	69.62 (12329)
FS	87.60 (734)	81.79 (9507)	26.35 (2307)	71.94 (12548)
MA	72.45 (1953)	70.52 (25052)	16.58 (11891)	54.13 (38896)
MB	77.42 (1572)	62.08 (17505)	12.62 (12598)	43.17 (31675)
Total	79.20 (5342)	73.72 (70446)	18.29 (31898)	57.57 (107686)

Appendix J – Percent with at least one PR Bond

Table 1. Pretrial Release Occurrence by Attorney Type and Charge Type

Charge Type	Attorney Type (% (N))			Total
	PDO	CAPDS	Retained	
FX	0.00 (1)	6.90 (29)	0.00 (1)	6.45 (31)
F1	52.07 (121)	32.12 (2189)	49.49 (297)	35.02 (2607)
F2	52.71 (332)	35.24 (5905)	51.02 (537)	37.35 (6774)
F3	53.35 (493)	38.99 (7154)	55.85 (786)	41.40 (8433)
FS	61.72 (627)	36.23 (7640)	61.03 (585)	39.67 (8852)
MA	59.12 (1392)	32.83 (17315)	59.35 (1887)	37.04 (20594)
MB	51.26 (1192)	26.12 (10588)	61.14 (1526)	32.39 (13306)
Total	55.84 (4158)	33.05 (50820)	58.20 (5619)	36.94 (60597)

Appendix K – Distribution of CAPDS Attorney Caseloads by Year

Table 1. Summary of Annual CAPDS Attorney Caseload Distribution, 2018–2024

Year	N	Mean Caseload	Median Caseload	25th Percentile	75th Percentile	Min	Max
	Attorneys						
2018	193	148.6	110	54	199	2	607
2019	177	154.4	124	52	238	1	643
2020	167	131.2	111	56	176	1	454
2021	140	142.8	97	38	230.5	1	534
2022	130	152.1	78	30	233	1	946
2023	126	187.6	106	24	309	1	912
2024	123	199.2	136	37	289	1	874
Total	1,056	157.0	109	41	230	1	946