After the PDO opened, 11 years ago, I met Jon Rapping in Austin at a seminar about public defense sponsored by the Texas Indigent Defense Commission. Rap, as he is known to friends, was there to explain his Southern Public Defender Training Center (SPDTC). He previously had been the training director at the Public Defender Service, a renowned public defender office in Washington D.C. He had also worked for effective public defense in Georgia, and in New Orleans after Katrina. The SPDTC program took what he learned and trained public defenders in other underfunded and overworked offices in the South.

It looked fantastic, but it posed some problems to send lawyers. First, as the PDO was just starting, the lawyers first hired were beyond the SPDTC target of three years or less experience. Second, Harris County had a strict rule that general funds were not to be used for out-of-state training. Third, the program cost thousands of dollars per lawyer. The only way to resolve all of those issues was to obtain grant funding.

Until we could hire new lawyers, the greatest need for training was among those new private lawyers seeking court appointments. The experience required for court appointments effectively made it so only those leaving a job as a prosecutor were qualified. This was a way to get lawyers who had not been prosecutors and that were committed to public defense, into this system.

Now called Gideon’s Promise (GP), Rap’s training entailed a two-week boot camp of intensive advocacy and public defense training from national experts in public defense. This was followed by two long weekends each year for the next two years. While the trainee lawyers were back in Harris County, they worked with excellent mentors like Troy McKinney, Danny Easterling, and Cynthia Henley. The misdemeanor courts agreed to make completion of our program a basis for being added to their court appointment list. Many current PDO lawyers were graduates of those first two Future Appointed Counsel Training (FACT) classes.

When the DOJ grant ended, we applied to the Houston Endowment and got another class through GP. Then, the Texas Indigent Defense Commission began issuing grants to our office to train new lawyers throughout Texas at GP. The culmination is now a complete three-year GP training program that will be based in Texas starting in April. Many of the Texas-based GP graduates will assist the national GP instructors in providing the training. We will send about a dozen lawyers to complete the program.

Scott Ehlers, was our legislative liaison. Scott came to us from then-Senator Rodney Ellis to help us draft bills and lobby while he attended law school. I asked him to help draft a grant proposal to the United States Department of Justice’s Access to Justice section. They gave us a grant of $850K to send two classes of 10 lawyers to Gideon’s Promise and mentor them in Harris County. Scott, Sarah Wood, and I chose the lawyers, found the mentors, and set up the program.
Some clients end up as our clients despite trying to do the right thing. Many of them have asked for help but not received any; some start to make headway toward a better life only to get arrested and have to start all over again; and most of them have been part of a broken system for so long that they think of patent injustice as normal and expected.

All of that applies to a person who became a PDO client earlier this year. She had been charged with misdemeanor Failure to Identify for providing her actual name to cops, which was in conflict with the incorrect name that the Harris County system associated with her fingerprint. Barbara Drumheller in our Misdemeanor Mental Health Division was appointed and got the case dismissed at the first setting (go Barbara!), but the client was stuck in custody because of a parole hold. So, Barbara made a referral to holistic.

Parole had already dropped the ball several, several times in this case. They failed to appoint the client counsel through the parole system, although the conditions of her parole required it. They failed to have a preliminary hearing in the period of time allocated by statute. And after the client’s criminal case was dismissed, they wanted to have two separate hearings, several weeks apart, all while the client sat in custody on a blue warrant. Through negotiation and some litigation, though, Betsy Stukes convinced parole to lift the blue warrant without making the client wait any longer for a parole revocation hearing. The client was a free woman a few days later without any parole repercussions.

Still, the client’s incarceration had sent her life into disarray. Cue: Client Advocate, Christian Mancheno. While Betsy worked on the parole case, she enlisted Christian’s help. Christian requested copies of the client’s vital documents; he explored education opportunities because the client wanted to go back to school; he helped the client navigate the world of MHMRA appointments; and he even requested a stimulus check for her. To top it all off, Christian reached out to HCSO about fixing the client’s name in the system so that she will never be arrested again for providing her actual name to cops.

If you have a client with a parole hold, email a referral to PDOParole@hctx.net for help, and if you think your client could use help outside of the legal realm, make a referral to our Client Advocates at PDO.Advocates@pdo.hctx.net.
PROPOSITION FOUR

By: Ted Wood

Eight constitutional amendments were on the ballot on November 2nd. They all passed. One of the amendments is especially relevant to our Texas legal system. I wanted to briefly mention this amendment.

Proposition Four changed the requirements to be a district judge. The change applies to judicial terms beginning on or after January 1, 2025. This means the change will apply to candidates for district judge in the 2024 election. Candidates in the current election cycle (2022) are unaffected by the change.

Under current law, district-judge candidates must have been a practicing lawyer or a judge for four years. See Tex. Const. art. V, § 7. The new law changes the time requirement to eight years. This means eight years “next preceding his [or her] election.” Id.

Also, a person will now be ineligible to serve as a district judge if the person’s law license was revoked or suspended during the eight-year period. Id.

Please note that this change in the law does not apply to judges of the statutory county courts. They are still required to have been a practicing lawyer or judge “four years preceding [their] election or appointment.” See Tex. Gov’t Code § 25.0014 (emphasis added).
First Annual PICNIC IN THE PARK
First Annual: Public Defender Day
PETS OF THE PDO

THE BUNIN FAMILY’S BEST FRIEND

Finn is an eight-year-old Airedale who came to us as a rescue. He is kind to children and other dogs. However, his size and bark are intimidating enough that we could leave all our doors unlocked in our Near Northside neighborhood. We also have a Standard Poodle named Kokomo (they both came with names), whom no burglar would fear.

KNIT CLUB

13th Floor
Main Conference Room
JOIN US EVERY TUESDAY 12:30 PM

NO SKILL REQUIRED