

The Galveston County Daily News

County court-appointed attorney costs in line with state

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By CHACOUR KOOP

For the past two years, the county has hit budget shortfalls in paying court-appointed defense attorneys, investigators, psychiatrists and other court professionals.

In 2014, commissioners were forced to approve an additional \$800,000 to cover fees for court professionals. The current budget year is similar. So far, the commissioner's court has approved spending an extra \$450,000 from the county's reserve fund to shore up these expenses, and more will be needed before the budget year closes at the end of September. Commissioner's have complained about unexplained spending increases in the justice administration department, which helps courts operate.

The biggest part of the justice administration budget — comprising up to 75 percent some years — is funding for indigent defense. The fees spiked by about half a million dollars during the 2014 budget year. It was the biggest increase in the past four years — although fees routinely fluctuate hundreds of thousands of dollars year to year. Court officials contend costs ebb and flow with the number of cases and jury trials, which are expensive; additionally, there was an increase of about \$200,000 in child protective services cases last year.

Commissioner Ryan Dennard said local indigent defense attorneys aren't overpaid, but doesn't believe the spending is transparent. "What infuriates me is the lack of explanation on why we're spending what we're spending," Dennard said. "We don't have a handle on the increases."

Costs rising statewide

Rising costs aren't unique to Galveston County. Throughout the state, local governments have been grappling with steep increases in indigent attorney fees for more than a decade. A significant part of the reason is increased monitoring by the state to ensure indigent defendants receive appropriate counsel. In 2002, the state implemented the Texas Fair Defense Act, which is aimed at creating consistency in indigent defense spending and management. The law created the Texas Indigent Defense Commission, a state agency that regulates indigent defense.

Wesley Shackelford, the commission's deputy director, said new rules and extra monitoring contribute to increased costs, but Texas still lags on spending compared to almost every other state when it comes to indigent defense.

The commission tracks criminal defense spending in every county. A complete picture of spending comparisons is difficult because the numbers don't include family law cases and child protective services cases, which significantly increased in the county last year, court officials said.

How Galveston County sizes up

According to the commission, the county ranks below the state average on spending for indigent defense. From 2001 to 2014, total state spending for indigent defense has risen by 159 percent; in Galveston County, it increased 140 percent during the same time period, according to the commission. Brazoria County nearly doubled its costs at 193 percent last year — although the percentage increase was lower other years because its spending also fluctuates hundreds of thousands of dollars.

The commission also calculated indigent defense costs per capita — meaning the total indigent defense spending is divided by the total population. Statewide, residents pay on average \$8.63 to cover the fees. Galveston County residents pay \$8.29. Brazoria County residents pay \$6.38. “That tells me Galveston County certainly isn’t an outlier in what it spends on indigent defense,” Shackelford said. “The spending has been relatively flat.”

What’s next

A preliminary budget released Friday indicates the commissioner’s court slated \$2.4 million to pay for indigent defense. For the current budget year, about \$1.8 million was budgeted. It’s unclear whether the spending plan includes increases for other court professionals, who’s pay also comes from the justice administration budget and also ran short on appropriated funds.

“I don’t criticize the value we’re getting,” Dennard said. “We’re just scratching our heads about the rising costs.”

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