



## Travis County Commissioners Court Agenda Request

**Meeting Date:** December 16, 2014

**Prepared By/Phone Number:** Beverly Evans/49522

Vicki Ashley/44805

**Elected/Appointed Official/Dept. Head:** Rosemary Lehmberg

David A. Escamilla

**Commissioners Court Sponsor:** Judge Samuel T. Biscoe

### **AGENDA LANGUAGE:**

Consider and take appropriate action on budget request from Travis County District Attorney's Office and Travis County Attorney's Office for additional staff to meet discovery requirements as a result of the Michael Morton Act. Also update Commissioner's Court on the positions that were funded in FY 14.

### **BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:**

The District Attorney's Office is requesting 8 paralegals and the Travis County Attorney's Office is requesting 4 paralegals to fulfill the statutorily mandated duties and responsibilities required by the Michael Morton Act. This is in addition to the earlier funding of positions in both offices in FY 14.

### **STAFF RECOMMENDATIONS:**

### **ISSUES AND OPPORTUNITIES:**

### **FISCAL IMPACT AND SOURCE OF FUNDING:**

If the Planning and Budget Office recommends alternate funding such as hiring special project employees, both offices are open to discussing this.

### **REQUIRED AUTHORIZATIONS:**

*Vicki L. Ashley for DAE*

**AGENDA REQUEST DEADLINE:** All agenda requests and supporting materials should be submitted as a pdf to the County Judge's office, [agenda@co.travis.tx.us](mailto:agenda@co.travis.tx.us) by **Tuesdays at 5:00 p.m.** for the next week's meeting.

TRAVIS COUNTY ATTORNEY'S OFFICE  
MORTON ACT COMPLIANCE INFORMATION  
December 10, 2014

As of December 1, 2014 there were 2,467 cases on plea dockets in the six County Courts at Law. None of these 2,467 cases have been processed for Morton Act compliance and all will have to be reviewed and updated before a compliance statement can be produced and the case actually pled. Our current paralegals are processing these cases in triage mode, processing them at the time that the defendant is at the bench ready to plead.

The discovery process is never complete until the moment of a plea or trial, and we cannot predict which cases will plead on any given day, even when they are set on a plea docket. The courts control how many times a case is reset and a case may be on a court's plea docket for many months. Each time a case is reset there is a potential for more evidence to be received, which means another review for additional discovery production. (example: additional victim/witness statements, lab reports, photos, collision reports, videos, etc.) Further, we have an on-going duty to review and produce discovery that arrives after a case has plead (example: lab reports in a DWI which may show that the Def was under the legal limit at the time of driving or negative for the presence of drugs in a blood specimen.)

The Travis County Attorney's criminal division prepared approximately 184,200 cases for daily dockets in FY14 . That is approximately 768 misdemeanor cases per day set in the six County Courts at Law. This number illustrates the fact that the approximately 20,000 active misdemeanor cases are reset numerous times during their lifespan, and for a variety of settings. At any setting, these cases may require a review for additional evidence and production of discovery and/or the defendant may choose to plead and resolve the case, which would require a final pre-disposition review of evidence received, discovery produced, and generation of the Morton Act compliance statement.

During FY14 the Travis County Attorney's Office disposed of approximately 34,500 cases. That is approximately 144 cases disposed of per day. Each of these disposed cases must receive a final evidence review and a Morton Act Compliance Statement must be produced, signed, and filed of record in each case.

In addition to the work required at the time of disposition the paralegals have the ongoing responsibility of preparing discovery to be produced in each misdemeanor case. The paralegals gather, review, and prepare evidence to be provided in discovery in each case. The paralegals receive discovery requests daily on new and active cases. The requests are received electronically, via our established email discovery request procedures. These resulting discovery request queues are processed each afternoon. The paralegals review the evidence contained in the file, make any necessary redactions, email the discovery to the defense attorney, and create detailed documentation of the production of the evidence to be used at disposition to create the Morton Act compliance statement required by statute to be filed in every case. In addition, the paralegals request, through from the law enforcement agency, our investigators, victim/witness coordinators, or private entities such as hospitals, any evidence not yet received and documented in the case file. This process may occur numerous times throughout the life of a case.

# Trial Court Paralegal Process

## Defense Attorney Discovery Request

- See if case is filed; if not filed do not give discovery
- Check the narrative and investigator tabs to see if the case has a related felony or is pending enhancement to felony. If there is a related felony refer the defense attorney to the DA's office for discovery.
- Click over to the e-file tab and find any eligible discovery. Some of the common items we will turn over to the defense are:
  - a. Offense Reports
  - b. 911 Calls
  - c. Photos
  - d. Receipts
  - e. Breath/ Blood Toxicology Reports
  - f. Collision Reports
  - g. Police Department Billing Statements
  - h. Cite & Release (if no OR)
  - i. See Morton Form for other common types of discover
  - j. Review Victim Witness notes – check for statements that are conflicting – let Ct Chief know if you find anything. The Paralegal is the last layer for this as we also have our VW's doing this and they have been instructed to send an email to Ct. Chief if they see anything that is Morton or Brady (eg: That's not the person I saw get out of the driver's seat; mutual combat; I'm not afraid, I hit him first, ect.)
  - k. Criminal History – we do NOT produce, however, the defense attorney can read over your shoulder. If they do, it needs to be noted on the Morton form.
- If you notice that discovery has not been ordered you can send a request thru the Investigator tab ordering what you need, but you must use the Court Chief's A# (that way they will get the confirmation email that you requested).
- If you are unsure if the item you are looking at should be turned over to the defense attorney, consult with your prosecutor.
- Discovery for any case involving a Victim, Witness or Complainant will need redactions made to any material containing personal or identifying information of said party. The OR may contain driver's license numbers, addresses, social security numbers and other information that will need to be redacted. This processes is to insure Victim/Witness/Complainant safety.
- Attach all discovery to an e-mail addressed to the defense attorney, in the email you need to log what you are sending and how many pages each item is. Save the e-mail as proof discovery was sent.

- Under the events tab add the event "DSCS" and log several things:
  - a. Date
  - b. Initials
  - c. Documents that were sent
  - d. Number of pages for each document
  - e. Who/Where you sent the documents
  - f. If the Def Atty reviewed the Criminal History (note that on the Morton form)

Example: 10/08/14 (JTS) emailed OR 26pgs, Receipt 2pgs and Blood 4pgs to [defenseattorney@gmail.com](mailto:defenseattorney@gmail.com)

Side note: If your court is backed up and the case is not pleading, keep a log of your discovery requests to be completed when the court dies down or when court is over and you return to the office.

# Morton Paralegal's Checklist

1. OPEN FILE IN PIMS
2. MAKE SURE NAME AND CAUSE NUMBER OF CASE MATCH THE MORTON FORM
3. CHECK THE "EVENTS" TAB TO SEE WHAT DISCOVERY HAS BEEN GIVEN OUT
4. MAKE SURE DISCOVERY GIVEN MATCHES THE MORTON FORM – Update EVENT tab – DSCS if you produce anything additional and make sure date, initials, number of pages, what was produced and name of attorney you produced it to are in the REMARKS section.
5. CHECK THE "NARRATIVE" TAB FOR ANY MORTON INFORMATION
6. CHECK THE "Vic/Wit" TAB FOR ANY BRADY STATEMENTS
7. CHECK THE "E-FILE" TAB AND CLICK ON "OFFENSE REPORT (OR)", CLICK "OPEN", CHECK NUMBER OF PAGES IN OR MATCHES NUMBER OF LISTED ON MORTON FORM
8. IN THE "E-FILE" TAB CHECK FOR OTHER DOCUMENTS; BREATH TESTS, BLOOD TESTS, PHOTOS, 911 CALLS (MORE INCLUSIVE LIST HERE – they can use the Morton form as a list) AND PAGE NUMBERS AND MAKE SURE THEY ARE CHECKED ON THE MORTON FORM
9. CHECK THE DWI VIDEO DATABASE IN ORDER TO LIST THE VIDEO NUMBER FOR DWI CASES. REMEMBER TO CHECK WITH THE DEFENSE ATTORNEY TO MAKE SURE THEY DID IN FACT GET A COPY
10. CHECK THE INVESTIGATOR TAB FOR POSSIBLE VIDEOS ORDERED ON NON-DWI CASES IN ORDER TO ADD THOSE TO THE MORTON FORM IF NOT ALREADY LISTED. AGAIN ASK THE DEFENSE ATTORNEY TO CHECK IF THEY RECEIVED A COPY
11. IN THE INVESTIGATOR TAB YOU SHOULD ALSO BE ABLE TO TELL IF A DISCOVERY CD WAS GIVEN TO THE DEFENSE ATTORNEY (USUALLY THERE WILL BE A DIGDIS EVENT CODE). THERE MAY ALSO BE A NOTE IN THE NARRATIVE
12. MAKE SURE THE DEFENSE ATTORNEY AND DEFENDANT HAVE SIGNED THE FORM
13. INITIAL AND DATE THE FORM AND THEN HAVE THE PROSECUTOR SIGN IT

14. FILE WITH THE CLERK AND HAVE IT DATE STAMPOED

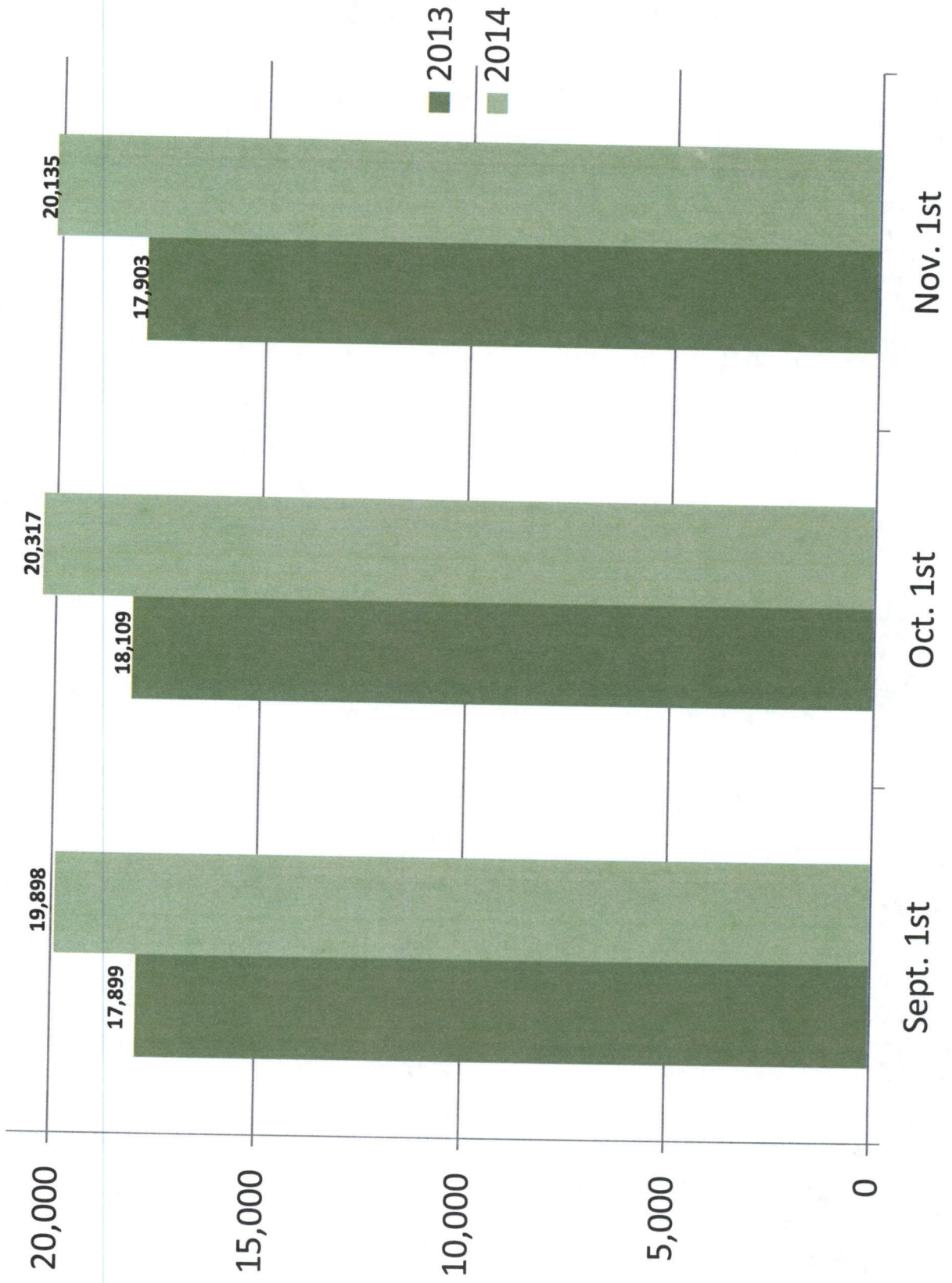
15. SCAN MORTON FORM INTO E-FILE

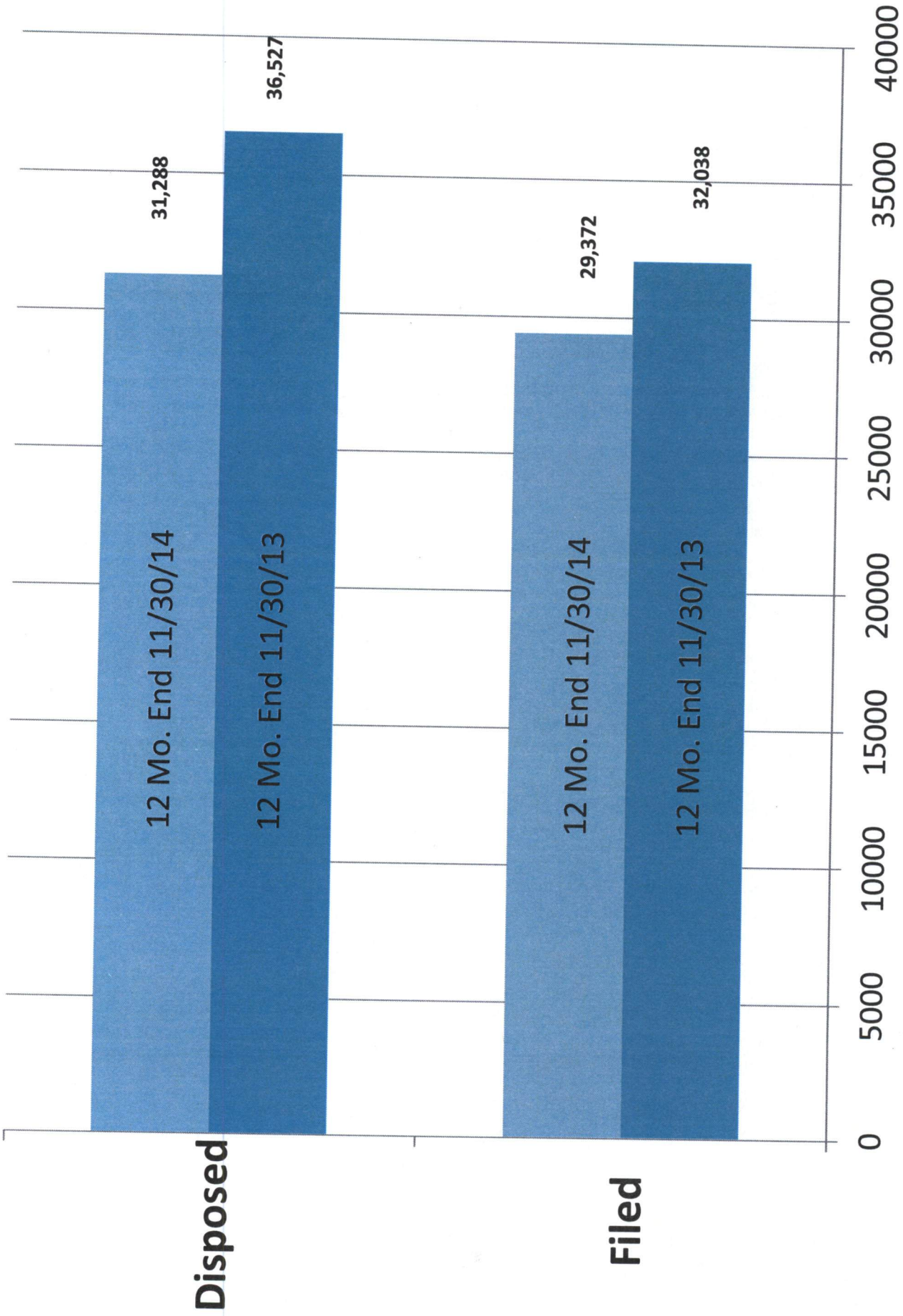
16. DOUBLE CHECK TO MAKE SURE THE FORM WAS SCANNED IN PROPERLY

17. RETURN THE ORIGINAL FORM TO THE CLERK

Note: Court Secretary will download the Morton form from the database into the appropriate court file.

# Active Cases





# Cases



**Statutory County Courts**  
**Activity Detail from December 1, 2012 to November 30, 2013**

County: Travis  
 100.0 Percent Reporting Rate  
 12 Reports Received Out of a Possible 12

**MISDEMEANOR CASES**

Cases on Docket:	DWI -	DWI -	Theft	Theft by	Drug	Drug	Family	Assault -	Traffic	DWLS /	All Other	Total
	First	Second										
	Offense	Offense			Marijuana	Other	Assault				Cases	Cases
<b>Cases Pending 12/1/2012:</b>												
Active Cases	5,768	742	21,669	95	1,691	917	683	1,570	1,430	2,594	5,878	43,037
Inactive Cases	4,686	4	3,341	1,043	248	566	625	1,686	1,762	228	3,348	17,537
Docket Adjustments	1,692	98	280	16	58	205	62	583	146	71	1,035	4,246
<b>Cases Added:</b>												
New Cases Filed	6,199	1,007	2,654	658	4,430	713	2,331	964	562	4,152	8,368	32,038
Appealed from Lower Courts	0	0	0	0	0	1	0	1	32	2	23	59
Other Cases Reaching Docket:												
Motions to Revoke Filed	584	161	117	8	23	13	151	82	20	7	583	1,749
Cases Reactivated	921	187	4,275	460	728	204	485	348	241	1,086	1,949	10,884
All Other Cases Added	17	45	43	0	22	20	55	38	19	0	79	338
<b>Total Cases on Docket</b>	<b>15,181</b>	<b>2,240</b>	<b>29,038</b>	<b>1,237</b>	<b>6,952</b>	<b>2,073</b>	<b>3,767</b>	<b>3,586</b>	<b>2,450</b>	<b>7,912</b>	<b>17,913</b>	<b>92,351</b>
<b>Dispositions:</b>												
Convictions:												
Guilty Plea/Nolo Contendere	3,177	812	896	131	1,182	235	392	522	253	1,191	4,103	12,894
By the Court	2	0	1	0	0	0	3	2	0	0	7	15
By the Jury	10	4	1	0	0	0	4	4	0	0	13	36
Total Convictions	3,189	816	898	131	1,182	235	399	528	253	1,191	4,123	12,945
Deferred Adjudication	0	0	203	13	53	19	144	80	56	27	1,012	1,607
Acquittals:												
By the Court	4	0	0	0	1	0	3	0	0	0	4	12
By the Jury	9	2	0	0	0	1	3	2	0	0	2	19
Total Acquittals	13	2	0	0	1	1	6	2	0	0	6	31
Dismissals	1,497	169	5,298	483	1,702	312	893	330	322	1,544	1,897	14,447
Motions to Revoke:												
Granted/Revoked	207	36	54	3	11	10	76	41	15	3	223	679
Denied/Continued	589	153	111	7	31	21	91	95	21	13	532	1,664
All Other Dispositions	507	29	429	19	763	204	894	225	144	671	1,269	5,154
<b>Total Cases Disposed</b>	<b>6,002</b>	<b>1,205</b>	<b>6,993</b>	<b>656</b>	<b>3,743</b>	<b>802</b>	<b>2,503</b>	<b>1,301</b>	<b>811</b>	<b>3,449</b>	<b>9,062</b>	<b>36,527</b>
<b>Placed on Inactive Status</b>	<b>761</b>	<b>237</b>	<b>1,025</b>	<b>431</b>	<b>950</b>	<b>191</b>	<b>631</b>	<b>409</b>	<b>152</b>	<b>1,344</b>	<b>2,058</b>	<b>8,189</b>
<b>Cases Pending 11/30/2013:</b>												
Active Cases	5,383	689	2,886	347	1,901	565	1,022	742	717	2,069	3,208	19,529
Inactive Cases	7,561	163	14,225	817	828	1,068	382	2,881	2,443	1,536	7,044	42,948
<b>Sentencing Information:</b>												
Local Jail	2,202	471	878	129	1,171	232	354	479	237	1,186	3,730	11,069
Probation/Comm. Supervision	986	345	15	2	5	3	41	48	15	3	376	1,839
Fine Only	1	0	5	0	6	0	4	1	1	2	17	37
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age of Cases Disposed:</b>												
	30 Days	31 to	61 to	Over	Total							
Number of Cases	or Less	60 Days	90 Days	90 Days	Cases							
	11,417	2,882	2,434	19,794	36,527							
<b>Information on Trafficking of Persons:</b>					Total							
Cases for Trafficking of Persons					0							
Cases for Prostitution					190							
Cases for Compelling Prostitution					0							
<b>Additional Court Activity:</b>												
						Mis-						
						demeanor	Felony	Total				
Cases in Which Jury Selected						59	0	59				
Cases in Which Mistrial Declared						5	0	5				
Motions to Suppress Granted or Denied						18	0	18				
Competency Hearings Held						0	0	0				
Cases Set for Review						1,819	0	1,819				
Cases in Which Attorney Appted as Counsel						19,675	0	19,675				
Cases with Retained Counsel						23,260	0	23,260				

**Statutory County Courts**  
**Activity Detail from December 1, 2013 to November 30, 2014**

County: Travis  
 91.7 Percent Reporting Rate  
 11 Reports Received Out of a Possible 12

MISDEMEANOR CASES												
	DWI - First Offense	DWI - Second Offense	Theft	Theft by Check	Drug Possession - Marijuana	Drug Offenses - Other	Family Violence Assault	Assault - Other	Traffic	DWLS/ DWLI	All Other Misdeame- nor Cases	Total Cases
<b>Cases on Docket:</b>												
<b>Cases Pending 12/1/2013:</b>												
Active Cases	5,398	691	2,705	351	1,893	562	1,019	718	706	2,013	3,165	19,221
Inactive Cases	7,568	167	18,408	814	837	1,071	391	2,915	2,454	1,593	7,112	43,330
Docket Adjustments	150	83	35	5	(3)	(59)	(39)	112	(4)	14	159	453
<b>Cases Added:</b>												
New Cases Filed	4,500	873	2,698	486	4,001	778	3,088	794	551	3,802	7,801	29,372
Appealed from Lower Courts	0	0	1	0	0	0	0	2	39	1	13	56
Other Cases Reaching Docket:												
Motions to Revoke Filed	464	177	97	13	26	7	67	60	13	20	496	1,440
Cases Reactivated	1,423	419	3,476	673	1,578	332	865	565	285	2,211	3,367	15,194
All Other Cases Added	8	43	44	0	20	18	52	41	6	1	62	295
<b>Total Cases on Docket</b>	<b>11,943</b>	<b>2,286</b>	<b>9,056</b>	<b>1,528</b>	<b>7,515</b>	<b>1,638</b>	<b>5,052</b>	<b>2,292</b>	<b>1,596</b>	<b>8,062</b>	<b>15,063</b>	<b>66,031</b>
<b>Dispositions:</b>												
<b>Convictions:</b>												
Guilty Plea/Nolo Contendere	3,176	725	889	101	1,103	254	302	444	226	1,133	3,740	12,093
By the Court	4	1	3	0	1	0	4	3	0	2	9	27
By the Jury	22	5	2	0	0	0	7	1	1	1	6	45
Total Convictions	3,202	731	894	101	1,104	254	313	448	227	1,136	3,755	12,165
Deferred Adjudication	0	1	556	6	58	21	69	91	39	18	989	1,848
<b>Acquittals:</b>												
By the Court	5	0	0	0	0	0	2	1	0	0	8	16
By the Jury	4	0	1	0	0	0	2	5	1	0	3	16
Total Acquittals	9	0	1	0	0	0	4	6	1	0	11	32
Dismissals	1,477	138	2,180	405	1,822	310	742	307	280	1,452	1,656	10,769
<b>Motions to Revoke:</b>												
Granted/Revoked	205	57	45	4	14	6	55	47	8	7	193	642
Denied/Continued	514	163	110	13	14	5	58	66	14	20	495	1,472
All Other Dispositions	319	19	298	13	842	225	705	154	127	654	1,004	4,360
<b>Total Cases Disposed</b>	<b>5,727</b>	<b>1,109</b>	<b>4,084</b>	<b>542</b>	<b>3,854</b>	<b>821</b>	<b>1,946</b>	<b>1,119</b>	<b>696</b>	<b>3,287</b>	<b>8,103</b>	<b>31,288</b>
<b>Placed on Inactive Status</b>	<b>1,352</b>	<b>392</b>	<b>1,573</b>	<b>560</b>	<b>1,685</b>	<b>303</b>	<b>972</b>	<b>426</b>	<b>183</b>	<b>2,374</b>	<b>3,391</b>	<b>13,211</b>
<b>Cases Pending 11/30/2014:</b>												
Active Cases												
Inactive Cases												
<b>Sentencing Information:</b>												
Local Jail	2,213	418	851	101	1,097	251	285	427	212	1,132	3,402	10,399
Probation/Comm. Supervision	989	313	26	0	2	3	25	19	14	4	343	1,738
Fine Only	0	0	7	0	5	0	3	2	1	0	10	28
Other	0	0	0	0	0	0	0	0	0	0	0	0
<b>Age of Cases Disposed:</b>												
	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases							
Number of Cases	8,535	2,424	1,978	18,351	31,288							
<b>Information on Trafficking of Persons:</b>					<b>Total</b>							
Cases for Trafficking of Persons					0							
Cases for Prostitution					99							
Cases for Compelling Prostitution					0							
<b>Additional Court Activity:</b>												
						Mis- demeanor	Felony	Total				
Cases in Which Jury Selected						67	0	67				
Cases in Which Mistrial Declared						3	0	3				
Motions to Suppress Granted or Denied						14	0	14				
Competency Hearings Held						0	0	0				
Cases Set for Review						1,407	0	1,407				
Cases in Which Attorney Appted as Counsel						19,188	0	19,188				
Cases with Retained Counsel						20,274	0	20,274				

## County Courts-at-Law Caseload Settings

December 1, 2014

	CC3	CC4	CC5	CC6	CC7	CC8	Totals
Announcements	275	349	297	89	66	49	1,125
FVS	0	33	0	0	0	0	33
Probation Revocations (APR's)	67	38	59	68	47	68	347
DWI Court*	0	0	0	0	67	0	67
Jail Docket Call	115	175	139	108	130	140	807
Jury Docket Call	0	0	0	0	49	0	49
Jury Trials	327	484	73	173	106	106	1,269
Other	0	9	5	73	13	1	101
Pleas	590	338	154	401	665	319	2,467
Pretrial w/out witnesses	1,452	1,249	1,744	1,271	1,464	2,094	9,274
Pretrial w/ witnesses	161	2	44	28	55	16	306
Project Engage*	0	0	0	28	0	0	28
Sentencing	73	1	9	9	5	4	101
Special Reduction Docket*	0	0	139	0	0	0	139
TBC	0	0	0	7	0	0	7
TBCW's	5	119	4	1	15	0	144
Veteran's Court*	0	44	0	0	0	0	44
<b>Total set before County Judges</b>	<b>3,065</b>	<b>2,841</b>	<b>2,667</b>	<b>2,256</b>	<b>2,682</b>	<b>2,797</b>	<b>16,308</b>
<b>Unfiled Dockets</b>	395	32	401	592	246	503	2,169
<b>Cases set in CCA (includes JRD)</b>	334	0	351	346	336	323	1,690
<b>Total cases in the County Courts</b>	<b>3,794</b>	<b>2,873</b>	<b>3,419</b>	<b>3,194</b>	<b>3,264</b>	<b>3,623</b>	<b>20,167</b>
<b>Cases on Exception Report</b>	50	2	8	6	16	14	96
<b>*Additional dockets held by these courts</b>							

**County Courts-at-Law Caseload Settings  
as of September 3, 2013**

	CC3	CC4	CC5	CC6	CC7	CC8	Totals
Announcements	409	26	281	124	100	83	1,023
FVS	0	26	0	0	0	0	26
Probation Revocations (APR's)	98	38	58	52	56	56	358
DWI Court*	0	0	0	0	86	0	86
Jail Docket Call	164	162	145	152	164	116	903
Jury Docket Call	0	0	0	138	0	102	240
Jury Trials	296	284	65	96	138	73	952
Other	563	1	5	26	4	0	599
Pleas	444	292	207	529	657	320	2,449
Pretrial w/out witnesses	1,579	936	1,867	1,730	1,594	2,208	9,914
Pretrial w/ witnesses	128	2	46	25	192	13	406
Project Engage*	0	0	0	30	0	0	30
Sentencing	99	1	1	7	7	1	116
Special Reduction Docket*	0	0	110	0	0	0	110
TBC	0	0	0	0	0	0	0
TBCW's	6	107	3	9	23	2	150
Veteran's Court*	0	70	0	0	0	0	70
<b>Total set before County Judges</b>	<b>3,786</b>	<b>1,945</b>	<b>2,788</b>	<b>2,918</b>	<b>3,021</b>	<b>2,974</b>	<b>17,432</b>
<b>Cases set in CCA (Including JRD)</b>	<b>104</b>	<b>0</b>	<b>91</b>	<b>93</b>	<b>90</b>	<b>89</b>	<b>467</b>
<b>Total set in the County Courts</b>	<b>3,890</b>	<b>1,945</b>	<b>2,879</b>	<b>3,011</b>	<b>3,111</b>	<b>3,063</b>	<b>17,899</b>
Cases on Exception Report	12	6	6	15	18	12	69
<b>*Additional dockets held by these courts</b>							

**County Courts-at-Law Caseload Settings  
as of September 2, 2014**

	CC3	CC4	CC5	CC6	CC7	CC8	Totals
Announcements	323	204	288	110	73	51	1,049
FVS	0	23	0	0	0	0	23
Probation Revocations (APR's)	85	37	63	61	44	70	360
DWI Court*	0	0	0	0	65	0	65
Jail Docket Call	128	182	111	138	174	130	863
Jury Docket Call	0	0	0	0	94	0	94
Jury Trials	385	404	54	147	63	116	1,169
Other	0	4	18	73	10	1	106
Pleas	638	292	150	575	673	304	2,632
Pretrial w/out witnesses	1,552	1,301	1,911	1,331	1,427	2,222	9,744
Pretrial w/ witnesses	186	2	30	40	38	18	314
Project Engage*	0	0	0	29	0	0	29
Sentencing	64	1	2	1	2	1	71
Special Reduction Docket*	0	0	129	0	0	0	129
TBC	0	0	0	0	0	0	0
TBCW's	4	84	4	0	24	6	122
Veteran's Court*	0	45	0	0	0	0	45
<b>Total set before County Judges</b>	<b>3,365</b>	<b>2,579</b>	<b>2,760</b>	<b>2,505</b>	<b>2,687</b>	<b>2,919</b>	<b>16,815</b>
<b>Unfiled Dockets</b>	234	35	274	371	167	242	1,323
<b>Cases set in CCA (includes JRD)</b>	350	0	321	375	367	347	1,760
<b>Total set in the County Courts</b>	<b>3,949</b>	<b>2,614</b>	<b>3,355</b>	<b>3,251</b>	<b>3,221</b>	<b>3,508</b>	<b>19,898</b>
<b>Cases on Exception Report</b>	30	6	13	6	10	12	77
<b>*Additional dockets held by these courts</b>							

**County Courts-at-Law Caseload Settings  
as of October 1, 2013**

	<b>CC3</b>	<b>CC4</b>	<b>CC5</b>	<b>CC6</b>	<b>CC7</b>	<b>CC8</b>	<b>Totals</b>
Announcements	385	30	297	135	139	86	1,072
FVS	0	46	0	0	0	0	46
Probation Revocations (APR's)	94	40	62	60	43	55	354
DWI Court*	0	0	0	0	94	0	94
Jail Docket Call	181	161	157	145	164	124	932
Jury Docket Call	0	0	0	141	0	119	260
Jury Trials	362	257	68	114	122	62	985
Other	7	2	7	26	5	0	47
Pleas	433	275	202	537	628	324	2,399
Pretrial w/out witnesses	2,078	975	1,898	1,703	1,697	2,248	10,599
Pretrial w/ witnesses	149	0	43	30	133	12	367
Project Engage*	0	0	0	32	0	0	32
Sentencing	80	1	0	9	12	3	105
Special Reduction Docket*	0	0	135	0	0	0	135
TBC	0	0	0	1	0	0	1
TBCW's	4	100	1	5	27	2	139
Veteran's Court*	0	74	0	0	0	0	74
<b>Total set before County Judges</b>	<b>3,773</b>	<b>1,961</b>	<b>2,870</b>	<b>2,938</b>	<b>3,064</b>	<b>3,035</b>	<b>17,641</b>
<b>Cases set in CCA (Including JRD)</b>	<b>98</b>	<b>0</b>	<b>96</b>	<b>94</b>	<b>93</b>	<b>87</b>	<b>468</b>
<b>Total set in the County Courts</b>	<b>3,871</b>	<b>1,961</b>	<b>2,966</b>	<b>3,032</b>	<b>3,157</b>	<b>3,122</b>	<b>18,109</b>
Cases on Exception Report	9	2	3	8	14	20	56
<b>*Additional dockets held by these courts</b>							

**County Courts-at-Law Caseload Settings  
as of November 3, 2014**

	<b>CC3</b>	<b>CC4</b>	<b>CC5</b>	<b>CC6</b>	<b>CC7</b>	<b>CC8</b>	<b>Totals</b>
Announcements	308	382	258	110	73	49	1,180
FVS	0	40	0	0	0	0	40
Probation Revocations (APR's)	81	34	60	65	53	60	353
DWI Court*	0	0	0	0	68	0	68
Jail Docket Call	128	175	129	117	166	120	835
Jury Docket Call	0	0	0	0	67	0	67
Jury Trials	308	422	64	159	104	125	1,182
Other	0	5	6	76	13	3	103
Pleas	639	330	144	466	632	300	2,511
Pretrial w/out witnesses	1,599	1,268	1,854	1,270	1,463	2,117	9,571
Pretrial w/ witnesses	143	2	44	34	34	13	270
Project Engage*	0	0	0	27	0	0	27
Sentencing	74	1	9	1	7	2	94
Special Reduction Docket*	0	0	130	0	0	0	130
TBC	0	0	0	1	0	0	1
TBCW's	4	94	5	2	18	2	125
Veteran's Court*	0	42	0	0	0	0	42
<b>Total set before County Judges</b>	<b>3,284</b>	<b>2,795</b>	<b>2,703</b>	<b>2,328</b>	<b>2,698</b>	<b>2,791</b>	<b>16,599</b>
<b>Unfiled Dockets</b>	297	48	349	529	261	445	1,929
<b>Cases set in CCA (includes JRD)</b>	320	0	300	338	322	327	1,607
<b>Total cases in the County Courts</b>	<b>3,901</b>	<b>2,843</b>	<b>3,352</b>	<b>3,195</b>	<b>3,281</b>	<b>3,563</b>	<b>20,135</b>
<b>Cases on Exception Report</b>	23	3	5	10	22	20	83
<b>*Additional dockets held by these courts</b>							

**County Courts-at-Law Caseload Settings  
as of November 1, 2013**

	<b>CC3</b>	<b>CC4</b>	<b>CC5</b>	<b>CC6</b>	<b>CC7</b>	<b>CC8</b>	<b>Totals</b>
Announcements	398	19	314	145	158	114	1,148
FVS	0	26	0	0	0	0	26
Probation Revocations (APR's)	93	45	48	61	54	58	359
DWI Court*	0	0	0	0	73	0	73
Jail Docket Call	155	166	137	162	175	135	930
Jury Docket Call	0	0	0	132	0	77	209
Jury Trials	411	230	43	126	122	85	1,017
Other	1	0	3	31	10	0	45
Pleas	466	261	190	565	613	347	2,442
Pretrial w/out witnesses	2,041	993	1,899	1,662	1,648	2,204	10,447
Pretrial w/ witnesses	109	1	21	35	116	17	299
Project Engage*	0	0	0	31	0	0	31
Sentencing	72	1	0	2	3	3	81
Special Reduction Docket*	0	0	127	0	0	0	127
TBC	0	0	0	0	0	0	0
TBCW's	6	72	0	8	14	3	103
Veteran's Court*	0	73	0	0	0	0	73
<b>Total set before County Judges</b>	<b>3,752</b>	<b>1,887</b>	<b>2,782</b>	<b>2,960</b>	<b>2,986</b>	<b>3,043</b>	<b>17,410</b>
<b>Cases set in CCA (Including JRD)</b>	<b>98</b>	<b>0</b>	<b>93</b>	<b>109</b>	<b>99</b>	<b>94</b>	<b>493</b>
<b>Total set in the County Courts</b>	<b>3,850</b>	<b>1,887</b>	<b>2,875</b>	<b>3,069</b>	<b>3,085</b>	<b>3,137</b>	<b>17,903</b>
Cases on Exception Report	20	1	19	4	4	25	73
<b>*Additional dockets held by these courts</b>							



**County Courts-at-Law Caseload Settings  
as of October 1, 2014**

	<b>CC3</b>	<b>CC4</b>	<b>CC5</b>	<b>CC6</b>	<b>CC7</b>	<b>CC8</b>	<b>Totals</b>
Announcements	347	356	299	134	94	56	1,286
FVS	0	34	0	0	0	0	34
Probation Revocations (APR's)	89	40	65	68	46	59	367
DWI Court*	0	0	0	0	63	0	63
Jail Docket Call	107	191	123	139	190	107	857
Jury Docket Call	0	0	0	0	99	0	99
Jury Trials	341	375	63	150	88	126	1,143
Other	0	1	23	72	11	2	109
Pleas	642	327	124	515	637	302	2,547
Pretrial w/out witnesses	1,603	1,343	1,882	1,373	1,443	2,260	9,904
Pretrial w/ witnesses	172	2	37	36	34	14	295
Project Engage*	0	0	0	30	0	0	30
Sentencing	70	1	0	2	7	2	82
Special Reduction Docket*	0	0	108	0	0	0	108
TBC	0	0	0	2	0	0	2
TBCW's	5	95	4	2	12	9	127
Veteran's Court*	0	41	0	0	0	0	41
<b>Total set before County Judges</b>	<b>3,376</b>	<b>2,806</b>	<b>2,728</b>	<b>2,523</b>	<b>2,724</b>	<b>2,937</b>	<b>17,094</b>
<b>Unfiled Dockets</b>	239	39	296	432	213	297	1,516
<b>Cases set in CCA (includes JRD)</b>	353	0	303	339	365	347	1,707
<b>Total cases in the County Courts</b>	<b>3,968</b>	<b>2,845</b>	<b>3,327</b>	<b>3,294</b>	<b>3,302</b>	<b>3,581</b>	<b>20,317</b>
<b>Cases on Exception Report</b>	24	8	6	7	8	6	59
<b>*Additional dockets held by these courts</b>							

## **TRAVIS COUNTY DISTRICT ATTORNEY**

### **2015 BUDGET REQUEST FOR DISCOVERY COMPLIANCE RESOURCES**

#### **SUMMARY STATEMENT:**

Last session, the Texas Legislature passed the Michael Morton Act. See, Article 39.14 Texas Code of Criminal Procedure. The Act is the single most significant change to Texas criminal law in decades. The Act dramatically increases the discovery compliance duties, procedures, and responsibilities of all prosecutors.

For each and every offense committed on or after January 1, 2014, Texas law now requires the electronic duplication, copying, and photographing of all items designated for production. This includes offense reports, witness statements, any documents, papers, photographs, or tangible thing containing evidence related to the case.

The Act additionally requires electronic or other written documentation of all items and information disseminated during discovery process. Finally, when any case is resolved, the Act also requires a formal written Master List of all documents, items, and information provided to the defense. This formal list must be produced in every case, whether resolved by plea or trial.

#### **DESCRIPTION OF REQUEST:**

On June 3, 2014, the Travis County District Attorney's Office requested the immediate employment of eight (8) paralegals to aid in the timely, complete, and accurate production and documentation of discovery in all felony cases. The Commissioner's Court approved the funding of four (4) paralegals to produce and document discovery and to document any additional needs. By the middle of July all four paralegal positions had been filled but since several of these were promotions from within there was some time where the employee was basically covering two desks. Essentially this means the four paralegals began working full time in their new positions beginning the first of August. From the data compiled from August 1<sup>st</sup> thru November 30, 2014, it is apparent that the discovery requirements of the Michael Morton Act far exceed the discovery capabilities of these four paralegals. The District Attorney's Office is requesting the immediate employment of eight additional paralegals to timely complete and accurately produce and document the discovery obligations of the Morton Act.

This request relates directly to the statutorily mandated discovery compliance duties and responsibilities required by the Michael Morton Act. Article 39.14 Texas Code of Criminal Procedure.

## **CASES PROCESSED/CASES PENDING DISCOVERY**

### **TRIAL BUREAU**

The four new Trial Bureau paralegals processed and produced properly documented discovery in 263 cases in August of 2014. At the end of August, they had a 256 case backlog.

In September, they produced properly documented discovery in 278 cases. By the end of September, the backlog had grown to 350 cases.

In October, they processed 283 cases and the backlog had increased to 493 cases.

In mid-November, the backlog had grown so large that discovery delays were affecting the court dockets and, most-notably, jail cases. Our office has gone to an emergency management system of producing offense reports at this time to ease the discovery demands of the courts and defense attorneys, but this system is only temporary. Furthermore this system further exacerbates the discovery backlog.

At the end of November, there is approximately a backlog of 800 cases.

### **FAMILY JUSTICE DIVISION**

The Criminal Unit of the Family Justice Division (FJD) of the Travis County District Attorney's Office handles intake, grand jury presentation and prosecution of all of the intimate partner assault/family violence and strangulation cases, and all of the sexual assault and physical abuse cases against children under the age of 17. The Juvenile Unit of the Family Justice Division handles intake, petition preparation, and prosecution of all juvenile criminal cases committed by juvenile respondents under the age of 17. The number of new FJD criminal cases average 1300 per year and over 1400 juvenile cases per year. Both are continuing to increase each year.

The Family Justice Division has one paralegal assigned to the criminal unit and one paralegal assigned to the juvenile unit.

The paralegal assigned to the criminal unit handles the FJD discovery for all 7 district courts, which includes both sexual and physical child abuse cases plus County Court at Law #4 discovery, which includes the assault/family violence and strangulation cases exclusively.

The paralegal assigned to the juvenile unit handles the discovery for the juvenile unit.

Since the passage of the Michael Morton Act, individual FJD prosecutors in both the criminal unit and the juvenile unit have been trying to keep up with the discovery for their individual caseloads in an effort to help the two paralegals. These prosecutors spend a significant amount of time each day scanning, copying and redacting documents in an effort to help the paralegals. This time could and should be better spent by these prosecutors on trial preparation.

In September, they produced properly documented discovery in 119 cases. By the end of September, the backlog stood at 79 cases.

In October, they processed 98 cases and the backlog had increased to 143 cases.

In November, they processed 68 cases and the backlog again increased to 240 cases.

#### **BASIS OF PROJECTED NEED**

During the quarter year period from August 1 to October 31, 2014, the four Trial Bureau Paralegals produced and documented discovery in 788 felony files. The projected yearly discovery capability of these four paralegals is 3152 cases.

The average number of felony files handled by the Trial Bureau for the past several years is 9700.

The capability of the current staff is approximately one-third of what is needed.

#### **ANTICIPATED OUTCOME OF REQUEST AND PROPOSED TIMELINE:**

The proposed timeline is immediate. The hiring process can begin as soon as the positions are approved. It could take at least two weeks to staff these positions after posting.

#### **IMPACT ON PERFORMANCE**

The addition of these discovery paralegals will ensure the voluminous information that is now statutorily required to be reproduced to the defense will be provided in a controlled, well documented and thorough manner. These discovery paralegals will also ensure the proper inventory, indexing, mandatory receipting, and mandatory Master List preparation occurs with certainty and precision.

#### **IMPACT OF NON-FUNDING:**

The impact of non-funding is a failure to comply with the statutorily mandated duties of the new Michael Morton Act. Our office is already backlogged with discovery compliance obligations on 2014 cases.



# PLANNING AND BUDGET OFFICE

TRAVIS COUNTY, TEXAS

700 Lavaca, Suite 1560  
Austin, Texas 78701

## MEMORANDUM

**TO:** Members of Commissioners Court

**FROM:** Victoria Ramirez, Budget Analyst *VR*

**DATE:** December 11, 2014

**RE:** Requests from the District Attorney and the County Attorney for Additional Staff to Comply with the Michael Morton Act

Senate Bill 1611, also known as the Michael Morton Act, passed unanimously in the 83rd Texas Legislature and became effective on January 1, 2014 (Texas Code of Criminal Procedure 39.14). The Act requires that the prosecution proactively provide to the defense an electronic record of every piece of evidence obtained in each case. It has been expressed that the requirements and impact of the Act are more far-reaching than originally anticipated by prosecutors.

In their FY 2015 budget submissions, the District Attorney and County Attorney requested a total of 17 new FTEs to assist with the increased workload resulting from the new discovery requirements of the Michael Morton Act. Due to the expressed urgent need of resources to support the Act, the District Attorney and County Attorney requested Commissioners Court approval of a portion of their FY 2015 budget requests midyear in FY 2014 to keep up with the workload prior to the adoption of the FY 2015 budget.

On June 10, 2014, Commissioners Court approved the creation of eight new FTEs to be internally funded for the duration of FY 2014. The offices' total budget requests, and portions thereof that were approved midyear, are summarized below. The ongoing costs of the midyear-authorized FTEs (beginning with the FY 2015 Adopted Budget) are also noted.

Office	Positions Requested	Positions Added Midyear
District Attorney	8 Paralegals 1 Office Specialist	4 Paralegals N/A
<b>Total</b>	<b>9.0 FTEs</b>	<b>4.0 FTEs @ \$246,242</b>
County Attorney	6 Paralegals 1 Office Manager, Sr. 1 Evidence Technician	2 Paralegals 1 Office Manager, Sr. 1 Evidence Technician
<b>Total</b>	<b>8.0 FTEs</b>	<b>4.0 FTEs @ \$256,847</b>
<b>Grand Total</b>	<b>17.0 FTEs</b>	<b>8.0 FTEs @ \$503,089</b>

When the Commissioners Court authorized these positions, the Planning and Budget Office (PBO) alerted the Court that these eight positions would be recommended for continuation in the FY 2015 Preliminary Budget. PBO did not recommend the inclusion of any further FTEs related to this request in the Preliminary Budget and the District Attorney's and County Attorney's Offices elected not to pursue a budget hearing to request additional resources. Therefore, the FY 2015 Adopted Budget included funding for the eight midyear-authorized FTEs between the two offices and no further resources related to the Morton Act.

The District Attorney and County Attorney have notified PBO that the workload associated with complying with the Act has continued to increase since additional staff were hired last summer. Their annual caseload projections indicate that a backlog has already built up, and they believe it will continue to grow without the addition of more paralegals to carry out the discovery process. These offices have requested that additional resources be added during FY 2015, and this item is on the Court's agenda for December 16, 2014. PBO is working with the offices to determine the estimated cost of a midyear addition of eight new FTEs in the District Attorney's Office and four new FTEs in the County Attorney's Office for FY 2015.

PBO has been reaching out to other urban counties to learn about their changing practices related to the Act. PBO has found that many similar jurisdictions added resources in the most recent fiscal year to address increasing workloads. So far, some jurisdictions have been able to implement the law without spending significant additional resources. For example, Tarrant County already had in place an electronic case filing system that links with the area law enforcement organizations, allowing law enforcement to directly upload evidence into the Tarrant County system. Their system also indexes all of the evidence, and Tarrant recently configured an automated report that alerts staff of cases for which evidence is missing from the system. It is PBO's understanding that these are examples of tasks that Travis County is performing manually in certain situations. PBO understands that the upcoming prosecutor module of the Conference of Urban Counties (CUC) TechShare project could assist in some of these areas. Additional research is needed to determine how each office has implemented the law. Furthermore, examination of each office's processes could result in the identification of process improvements to lessen the financial impact of the Act.

PBO is interested in exploring technological solutions that may lessen the backlog and allow existing staff to work more efficiently, potentially reducing the need for additional employees. In conversations with other jurisdictions that redact offense reports and other pieces of evidence during the discovery process, PBO found that several have invested (or are planning to invest) in sophisticated redaction software that may significantly cut down the amount of time required of paralegals to review sensitive information, which is currently a fully manual process in Travis County. The redaction software could be supplemented by a prosecutor module at a later date that could further reduce indexing and downloading time, resulting in a more efficient process.

PBO is researching the possibility of interim solutions through reclassifications of existing vacant positions or possible reallocations in other areas. As of December 10, 2014, PBO noted that the

County Attorney has approximately 6.5 vacancies, including one paralegal and one legal secretary. The District Attorney may have up to 9.0 vacancies, of which one is a legal secretary.

Due to the need for additional time to explore alternative options, PBO will not have a recommendation related to the new requests for staffing before the Court on December 16, 2014. PBO is working toward a recommendation and will have one at the time the Court is ready to take action.

cc: David Escamilla, County Attorney  
Rosemary Lehmborg, District Attorney  
Roger Jefferies, County Executive, Justice and Public Safety  
Leroy Nellis, Acting County Executive, Planning and Budget  
Jessica Rio, Travis Gatlin, Diana Ramirez, Planning and Budget Office  
Jim Collins, Chantelle Abruzzo, Vicki Ashley, Kelly Gourley, County Attorney's Office  
Gary Cobb, Beverly Evans, Karen Kiker, Beverly Mathews, John Neal, Robert Smith,  
District Attorney's Office  
Deece Eckstein, Julie Wheeler, Intergovernmental Relations Office  
Todd Osburn, Human Resources Management Department