

TEXAS APPLESEED AT WORK

Investigating the Idea of Mental Health Public Defenders for Texas

As Texas Appleseed's 2000 Fair Defense Report revealed, the Texas criminal justice system can often be unfair to defendants with mental illness. This is especially true if the person's court-appointed attorney does not know how to recognize mental illness or understand the special laws, procedures, and mechanisms that apply to persons with mental illness.

That's why Texas Appleseed produced and developed, in collaboration with the Hogg Foundation for Mental Health, a handbook for attorneys who represent persons with mental illness in the criminal justice system. As the New York Times recently reported, a new study has found that as many as one in five Americans in jail or prison are seriously mentally ill.

This means most criminal defense attorneys will encounter clients with serious mental illness.

It's also why Texas Appleseed has been on the road with this handbook for almost two years now. We've distributed thousands of copies, and presented the handbook to criminal defense organizations across Texas. In fact, the handbook has been used in required mental health attorney training in two large urban counties and in voluntary training in most other large Texas counties.

We are proud of our mental health attorney handbook and hope that it is helping attorneys be better advocates for their clients with mental illness. In fact, we are so encouraged by the success of our handbooks that we are taking our mental health work to the next level. Texas Appleseed is now working on various projects to assign those cases in which a defendant has mental illness to attorneys who are expert in the Mental Health Code and, as important, to pair those lawyers with social workers on every case.

To this end, we recently approached Travis County officials about starting a mental health public defender's office in Austin. We are delighted that the criminal court judges have formed a committee to explore this idea for Travis County and that they have given Texas Appleseed a seat on the committee. We believe that a mental health public defender's office will offer more consistent quality representation to defendants with mental illness, in contrast to the varying, and sometimes inadequate, representation defendants now receive.

Because such an office would be staffed with highly trained attorneys and social workers, each defendant with mental illness would receive quality representation as well as help finding treatment options and other available social services in their community. We firmly believe that defendants who get treatment and who successfully navigate the social service system have a better chance of remaining stable and staying out of the criminal justice system.

And, ultimately, that is our goal: to find persons with serious mental illness who are stuck in the criminal justice system and to get and keep them out of the system, where they so often do not belong. It's just one more way Texas Appleseed is working to bring justice to Texans with mental illness.



To learn more about Texas Appleseed's efforts to improve the legal representation for defendants with mental illness in Texas, or for copies of our handbook, please visit www.texasappleseed.net