

I thank the Commission for this opportunity to speak on this important issue.

As a judge of the United States District Court for the Western District of Texas, I am honored to serve in one of the largest, and most diverse, districts in the United States. Our District is the second largest in the country, encompassing 68 counties and 92,000 square miles; it is the only district to stretch over two time zones. It is known as a “border court,” with more than 800 miles of international boundary with Mexico, and one of the largest border cities in the nation in El Paso. But “border court” doesn’t begin to describe our District. In addition to two large divisions on the border, we also have divisions in San Antonio, Austin, Waco and Midland-Odessa—four major metropolitan areas that are many hundreds of miles inside the United States. These metropolitan areas present all the challenges and complexities faced by other urban courts around the country.

The Western District’s criminal docket is, like the district itself, large and diverse. And it similarly belies the “border court” stereotype. According to the most recent published statistics from the Administrative Office of the U.S. Courts, the Western District is the busiest in the nation, prosecuting more felony defendants than any other district. These prosecutions included a large number of immigration offenses, but that is not all they include. For example, in calendar year 2014 our District was second in nation in the number of defendants prosecuted for fraud cases; second in the nation for federal sex offenses; and second in the nation for firearms and explosives offenses.

Given our District’s extremely busy, and extremely varied, criminal docket, it is little wonder that we face a wide range of challenges in ensuring adequate defense for indigent defendants. Appointed lawyers in smaller, more remote divisions like Pecos serve on undersized CJA panels, overburdened with cases and distant from needed resources and training. Lawyers

major urban centers like Austin or San Antonio face numerous complex cases with demanding needs for high-cost services like investigators and forensic experts. Large single-judge dockets in divisions like Del Rio (with more than 1,700 defendants charged in 2014) stretch court resources to their breaking point, placing additional pressures of time and docket management on appointed attorneys. And throughout the district, thousands of defendants are detained in remote facilities, and have limited or no English-speaking abilities, added dimensions that put even more demands on defense counsel and the courts.

In all these ways, the Western District of Texas demonstrates the diverse, and extremely difficult challenges this Commission must confront in making recommendations to reform the Criminal Justice Act, and improve the delivery of federal defense services to the indigent. In light of these diverse challenges, I urge the Commission to avoid general, one-size-fits-all prescriptions for reform. The challenges our system faces in meeting the requirements of the Sixth Amendment are complex, and they differ from district to district. Sometimes, they differ from division to division. The Commission must take these differences into account in making its recommendations, allowing for a variety of solutions to fit the needs of a variety of local situations.

Most importantly, I urge the Commission to focus on pragmatic solutions to the problems our system faces. What our District needs most is access to adequate resources, distributed fairly over a large region with a panoply of different challenges. If the Commission can make practical suggestions that help a district like ours, it could make a real difference in the defense of thousands of individual defendants.

Meeting the constitutional requirement for indigent defense presents major challenges for our courts, both in the Western District of Texas and throughout the country. But however

complex and varied the challenges, the goal remains the same—to ensure excellent representation for every defendant charged in federal court. I wish the Commission every success in achieving this essential goal.