



Texas Criminal Defense Lawyers Association

December 31, 2020

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The Honorable Greg Abbott
Governor of Texas
Attn: Jeff Oldham, General Counsel
P.O. Box 12428
Austin, Texas 78711-2428

Re: Vaccine Prioritization of Criminal Defense Lawyers

Dear Governor Abbott,

Earlier this month, the CDC released additional guidance on the prioritization of which essential workers are recommended to be next in line in CDC Phase 1c (Texas Phase 1b) to receive the vaccine. The recommendations are enclosed with this letter. Criminal defense lawyers must be in the next group of individuals prioritized to receive the vaccine.

A fully functioning criminal legal system is critical to safeguard the rights of the accused and detained persons as well as to provide redress for victims of criminal conduct. If policymakers ensure the prompt vaccination of criminal defense lawyers, the availability of COVID-19 vaccines offers the opportunity to work toward reopening the system, reduce the clear and present danger faced by the individuals in our state's detention facilities, and to begin the work of restoring speedy trial rights and to reduce the massive backlog in the courts caused by the pandemic. The backlog has left the general public and affected individuals awaiting remedy, resolution, and closure of matters pending before the courts.

Criminal defense lawyers are essential because public safety, liberty, and justice cannot be protected unless the system provides opportunities to resolve cases. Without supplying vaccinations to criminal defense lawyers, the criminal courts cannot resume normal operations. Defense lawyers are in a unique position to be at even greater risk of exposure than law enforcement or judges in that they are required to enter jails and detention facilities to prepare for hearings and trial, and much of what is required to prepare for defending a client cannot be done remotely if effective assistance of counsel is to be provided the accused. The proper and constitutional functioning of Texas's criminal legal system depends upon these essential actors coming together in enclosed spaces for prolonged periods of time, a high-risk proposition in the absence of a vaccine or other mechanism to bring the pandemic under control. Despite many jurisdictions' efforts at employing safety precautions for trials Covid-19 has continued to spread during in-person proceedings to court participants and then from them to members of our communities when they return to their families.



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Vaccine distribution must prioritize criminal defense lawyers and ensure their vaccination prior to the resumption of normal operations with sufficient lead time to ensure immunity prior to resuming business at the courthouse. Prioritizing vaccination for all criminal defense lawyers is the most effective way for our criminal legal system, including its detention system, to return to normal and safe operation, to safeguard fundamental rights, and to prevent community spread from the personal interactions necessary for that system to function as the Constitution requires. For these reasons, we respectfully request that criminal defense lawyers be prioritized to receive the Covid-19 vaccination.

Sincerely,

A handwritten signature in black ink, appearing to read 'Grant Scheiner', written in a cursive style.

Grant Scheiner
TCDLA President

CC:

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