

# Ineffective Assistance of Counsel Research Guide

## Overview

This research guide includes information and resources on ineffective assistance of counsel in criminal cases. Counsel is ineffective when “a representation in which the defendant is deprived of a fair trial because the lawyer handles the case unreasonably, usually either by performing incompetently or by not devoting full effort to the defendant, especially because of a conflict of interest.” Factors often considered by the court include “whether the lawyer had previously handled criminal cases, whether strategic trial tactics were involved in the allegedly incompetent action, whether, and to what extent, the defendant was prejudiced as a result of the lawyer’s alleged ineffectiveness, and whether the ineffectiveness was due to matters beyond the lawyer’s control.” (*Black’s Law Dictionary, 11<sup>th</sup> ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

## Statutes and Codes

Texas Statutes Online [www.statutes.capitol.texas.gov](http://www.statutes.capitol.texas.gov)

Texas Constitution

- Art. I, §10 Rights of Accused in Criminal Prosecutions  
<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.1/CN.1.10.htm>

## Secondary Resources in Print

**Texas Criminal Lawyer’s Handbook REF KFT 1775.D36**

- Vol. 1, Ch. 4 §4:90 *et seq* Right to Effective Assistance of Counsel

**Texas Criminal Practice Guide REF KFT 1775 .T49**

- Vol. 1, Ch. 1 Attorney-Client Relationship §1.04 Duties and Responsibilities of Counsel

**Erisman’s Reversible Errors in Texas Criminal Cases KFT 1784.E75**

- Vol. 1, Ch. 8 Attorney for the Defendant §8.10 *et seq* Ineffective Assistance: Conflict of Interest

**State Counsel for Offenders Legal Handbook KFT 1788.5 .Z9I5**

- Vol. 1, §4.63 Ineffective Assistance of Counsel

**Texas Criminal Writ Practice (1997) KFT 1761.T4J3**

- Ineffective Assistance of Counsel, p. 126-146

**Texas Criminal Jury Charges**

- Vol. 1, Ch. 1 Introduction to Jury Instruction Law §1:210 Limiting Instructions – Extraneous Offenses

## CLE Materials

**Advanced Criminal Law Course KFT 1761 .S7**

- 2021 Ch. 17 Ineffective Assistance of Counsel (*PDF only*)
- 2019 Ch. 4 Ineffective Assistance of Counsel
- 2018 Ch. 48 Ineffective Assistance of Counsel

## Online Resources

Preventing claims of ineffective assistance of counsel (TDCAA)

<https://www.tdcaa.com/journal/preventing-claims-of-ineffective-assistance-of-counsel/>

Ineffective Assistance of Counsel in Texas (blog)  
<https://barkanresearch.com/iac-texas/>

Client-Attorney Assistance Program (State Bar of TX)  
<https://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemwithanAttorney/CAAP/default.htm>

## Legal Assistance

**Legal Lines – Ask Attorneys simple legal questions (free service)**

- Tarrant County LegalLine Sign-up  
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up  
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral Service:** 817-336-4101 (\$20 for the first 30 minutes)

