

**Indigent
Defense
Workshop:
*Preview of the
83rd Legislature
and Recent
Developments***

Austin, November 13, 2012

**Presenting: The Honorable Sharon Keller, Jim Bethke,
Dr. Ana Yanez-Correa, Vikrant Reddy, Andrea Marsh,
Jim Allison**

This morning's agenda

10:00 – 10:10	Welcome and Opening Remarks Presiding Judge Sharon Keller, Chair, Texas Indigent Defense Commission
10:10 – 10:30	Preview of 83 rd Legislature: Legislative Appropriations Request – Presiding Judge Sharon Keller, Chair, Texas Indigent Defense Commission Jim Bethke, Executive Director, Texas Indigent Defense Commission
10:30 – 10:50	Preview of 83 rd Legislature: How State funding is making a difference – Dr. Ana Yanez-Correa, Executive Director, Texas Criminal Justice Coalition
10:50 – 11:10	“Policy Perspective: Improving Indigent Defense in Texas” – Vikrant P. Reddy, Policy Analyst, Center for Effective Justice, Texas Public Policy Foundation
11:10 – 11:30	Role of External Advocates in Improving Indigent Defense – Andrea Marsh, Executive Director, Texas Fair Defense Project
11:30 – 11:50	Concluding Thoughts on the 83 rd Legislature – James P. Allison, General Counsel, County Judges and Commissioners Association of Texas
11:50 – noon	Question and Answer with the Panel

***The right to counsel is required by the
U.S. Constitution and Texas law.***

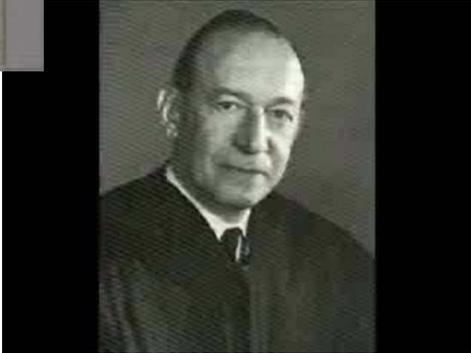
It is NOT discretionary.

Gideon v Wainwright

March 18, 1963

Top of the Decade

- ▶ In *Baker v. Carr*, the Supreme Court paves the way for reapportionment of electoral districts across the nation, 1962.
- ▶ In *Gideon v. Wainwright*, the Supreme Court guarantees indigents a lawyer for trials involving serious crimes, 1963.
- ▶ Martin Luther King's jailing in Birmingham, Ala., which gave new respectability to the strategy of disobedience to unjust laws, 1963.



Gideon v Wainwright

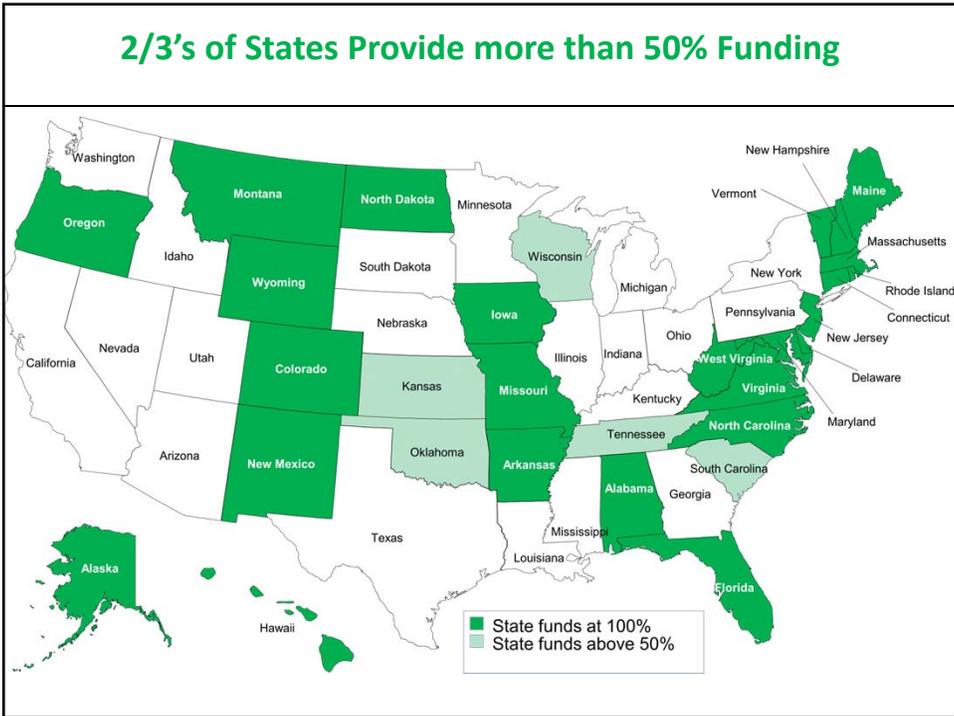
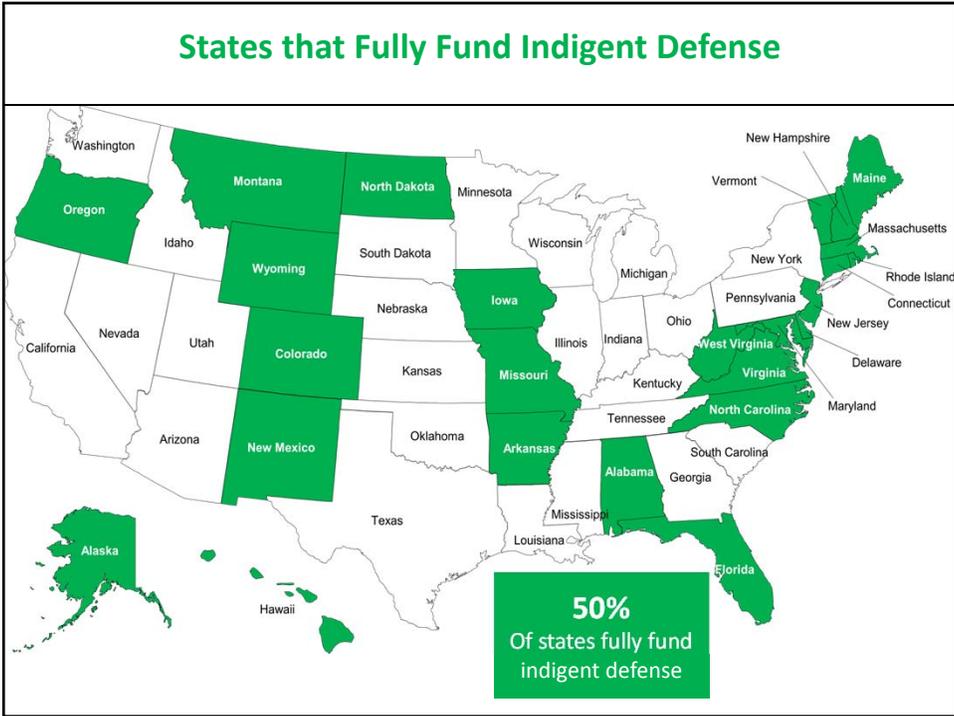
In our adversary system of criminal justice....

With government "quite properly" spending "vast sums of money to establish machinery to try defendants accused of crime".....you need

..... "procedural and substantive safeguard designed to assure fair trials before impartial tribunals in which defendants stands equal before the law"

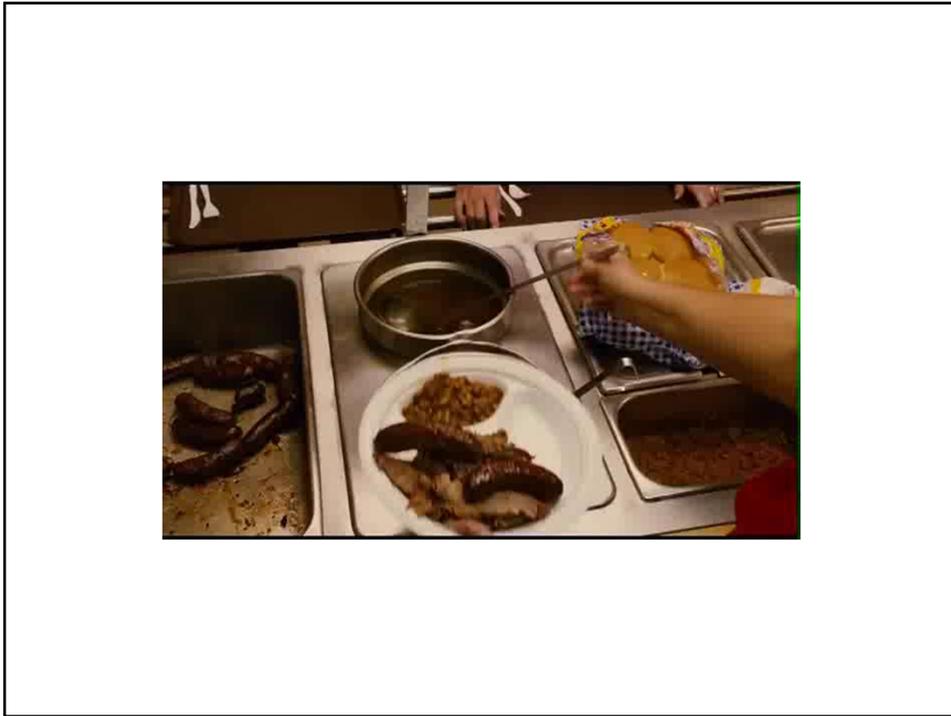
"This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."

Gideon v. Wainwright, 373 US 335 (1963)



254 Counties





Fair Defense Act 2001



TASK FORCE ON INDIGENT DEFENSE

Serving Texas since 2002 under the Texas Fair Defense Act and the U.S. Constitution.

*A Decade Later the
82nd Legislature establishes:*



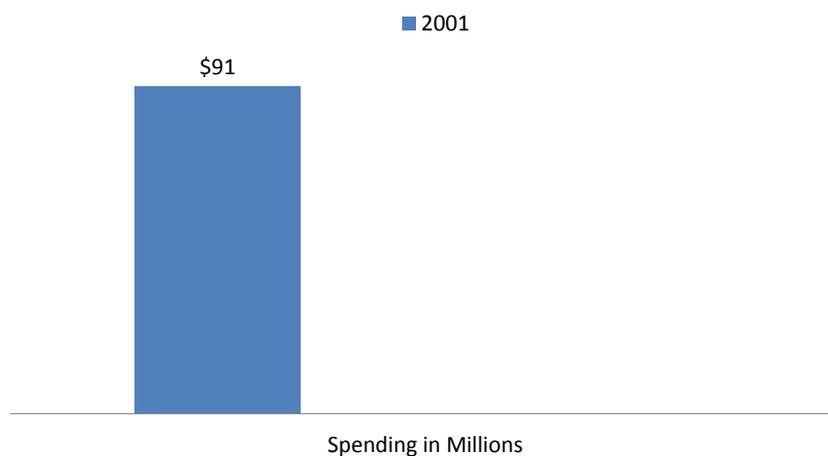
The mission of the Texas Indigent Defense Commission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

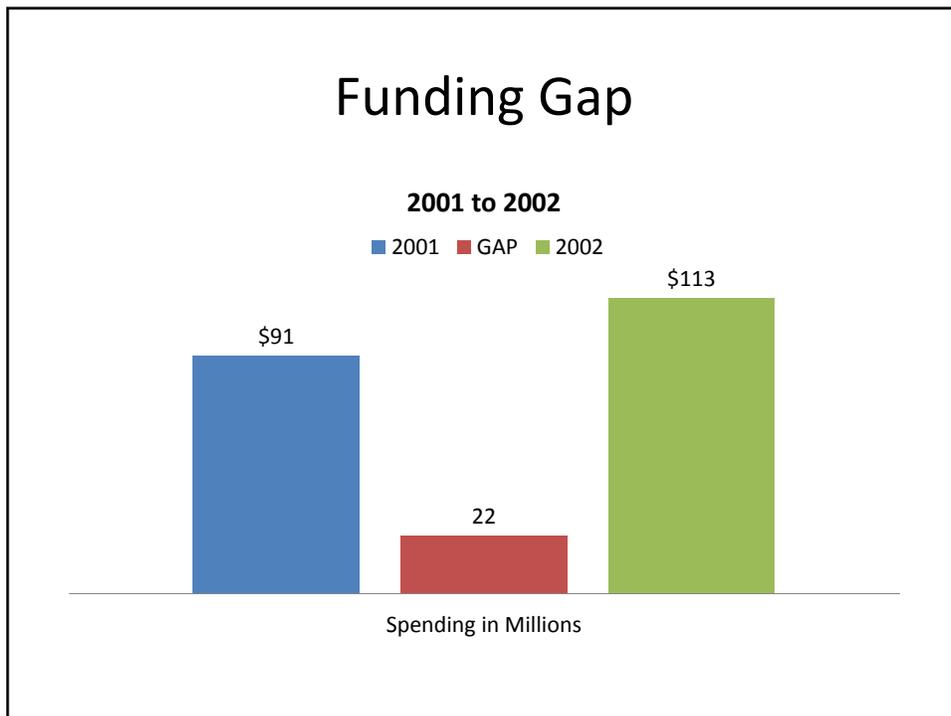
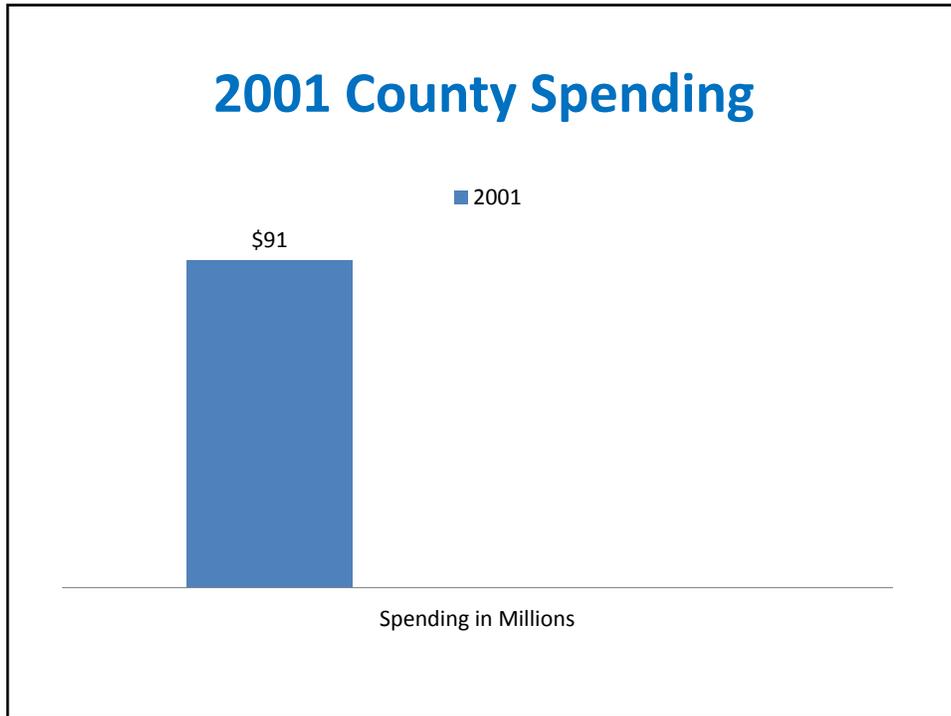


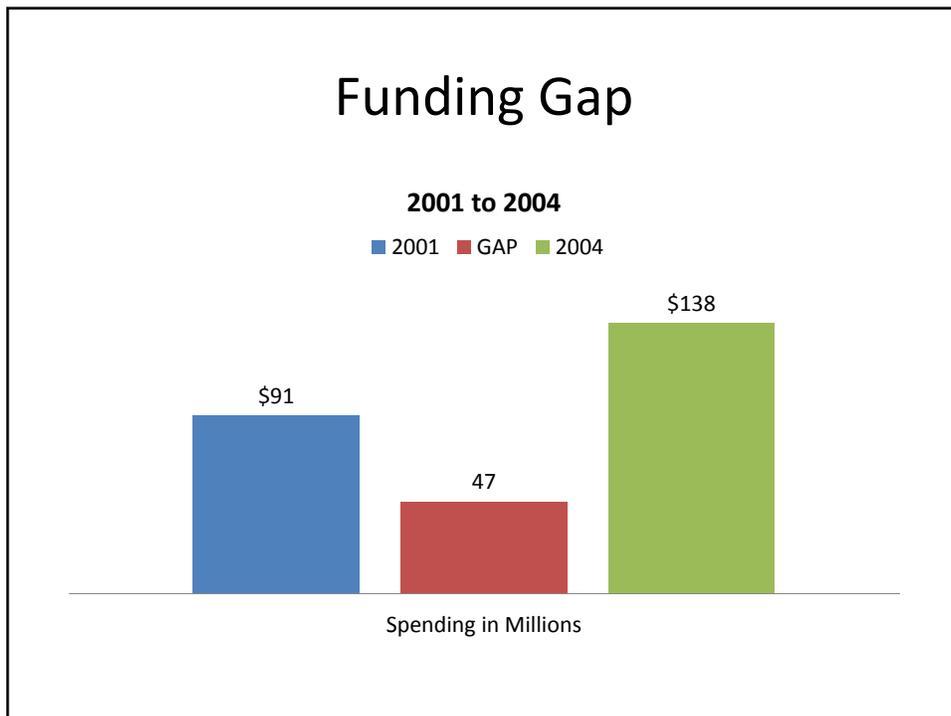
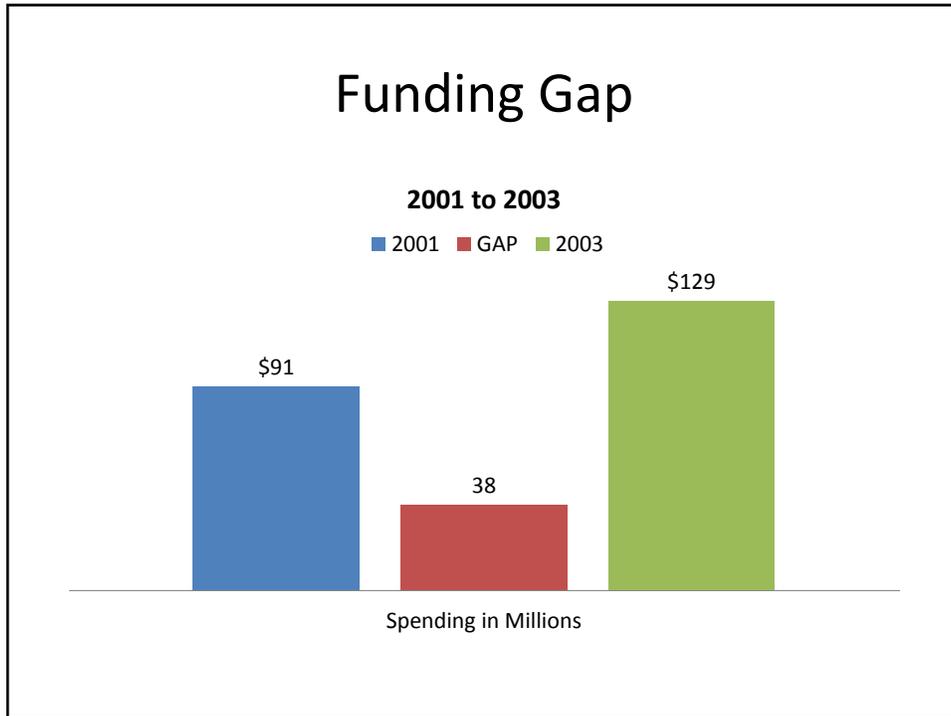
83(R) Legislative Appropriation Request:

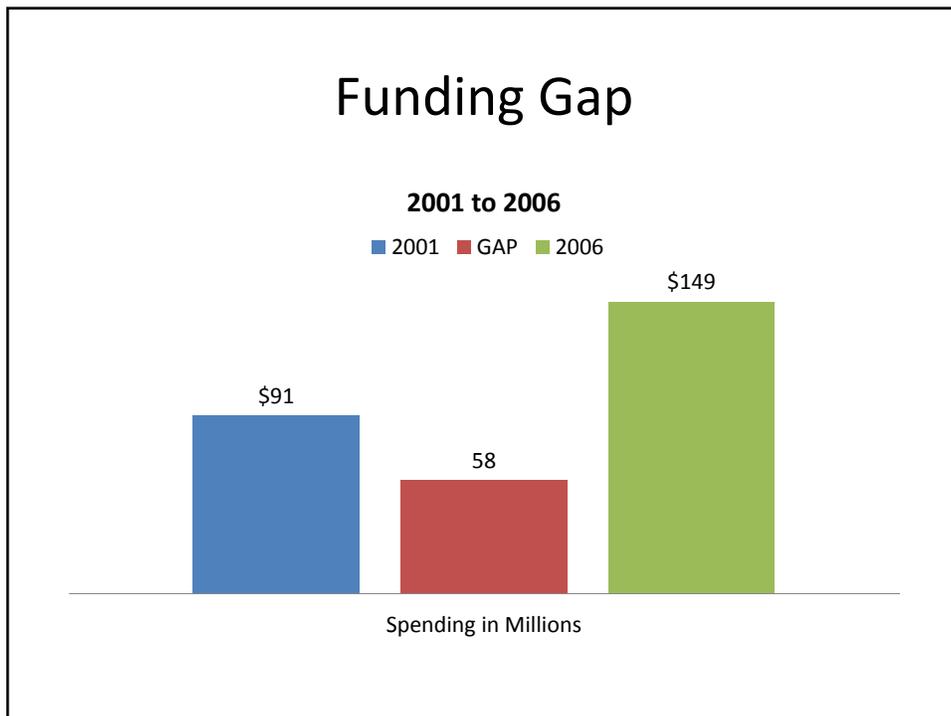
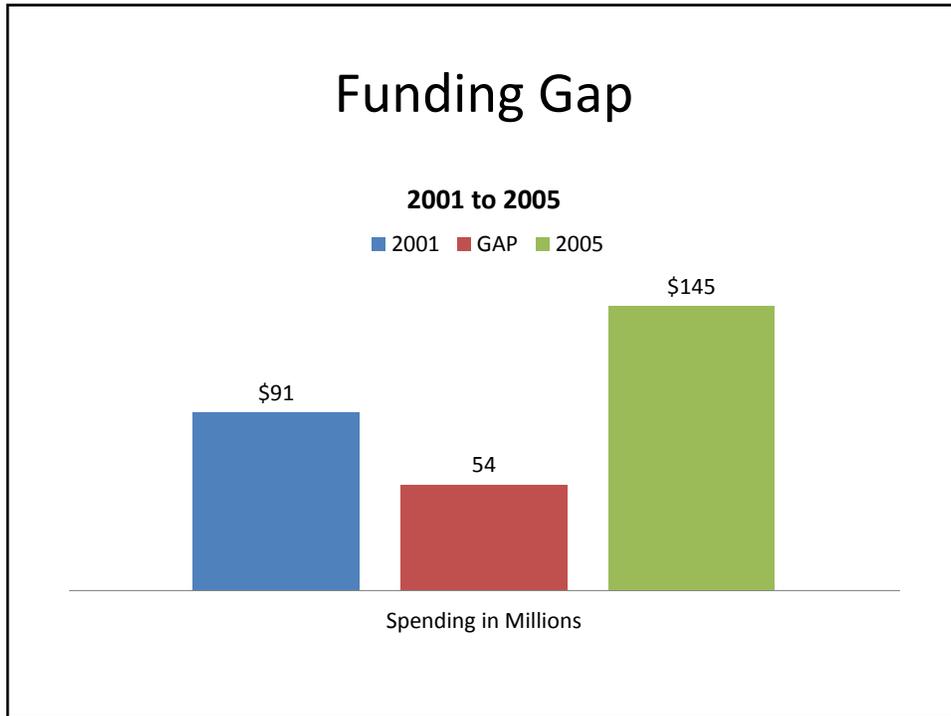
- Restore access to all dedicated funds for indigent defense by reinstating estimated appropriation authority and by reestablishing unexpended balance authority between biennia; and,
- Close the “unfunded” gap that is being borne by counties for the additional indigent defense costs that they have incurred due to the mandates of the *Fair Defense Act of 2001*.

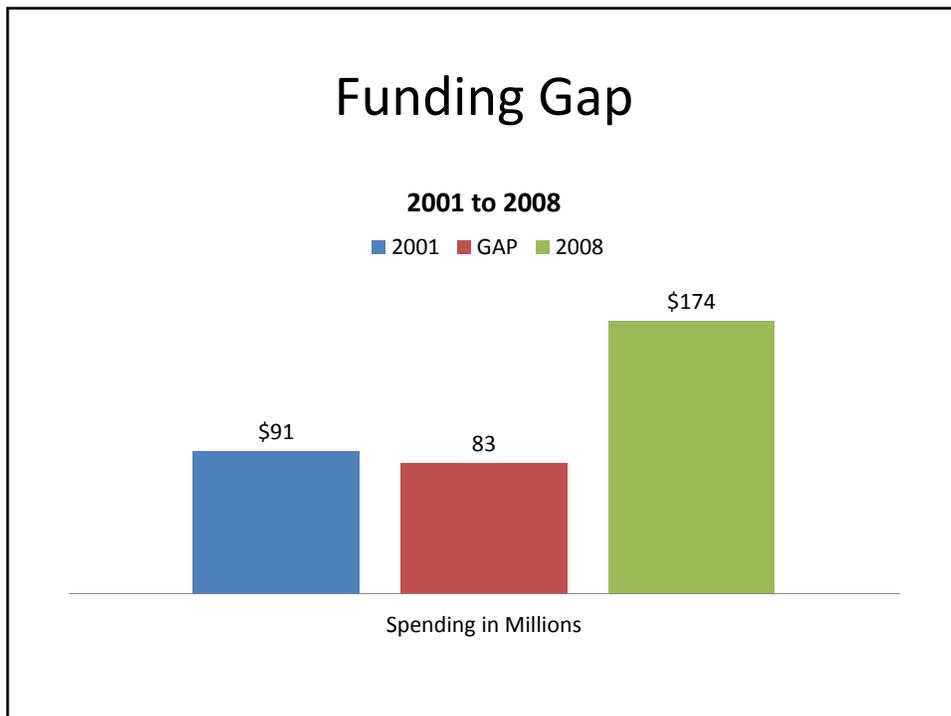
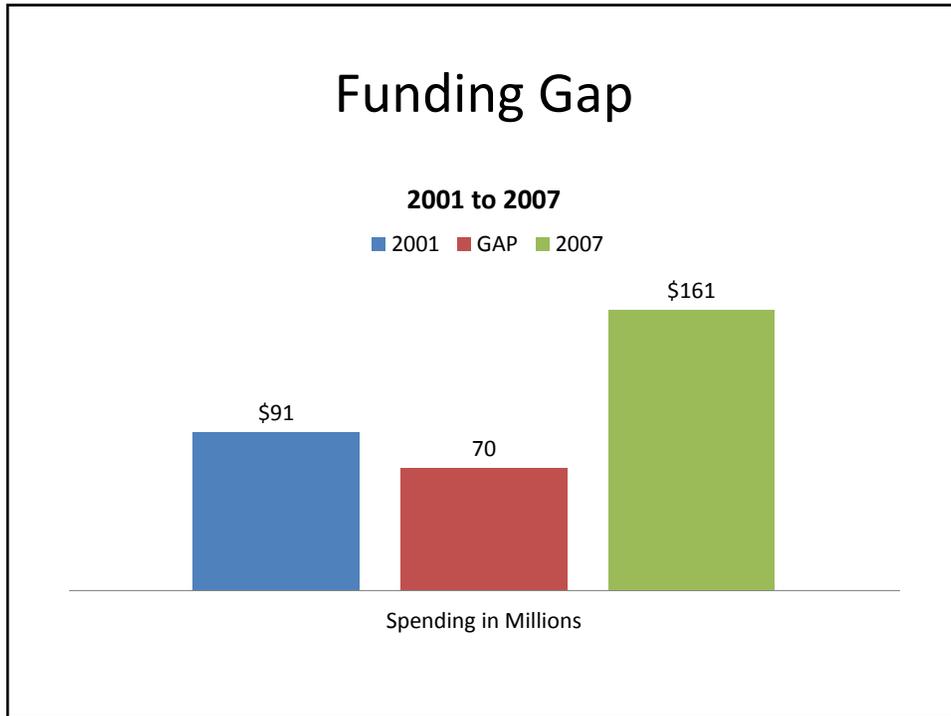
2001 County Spending

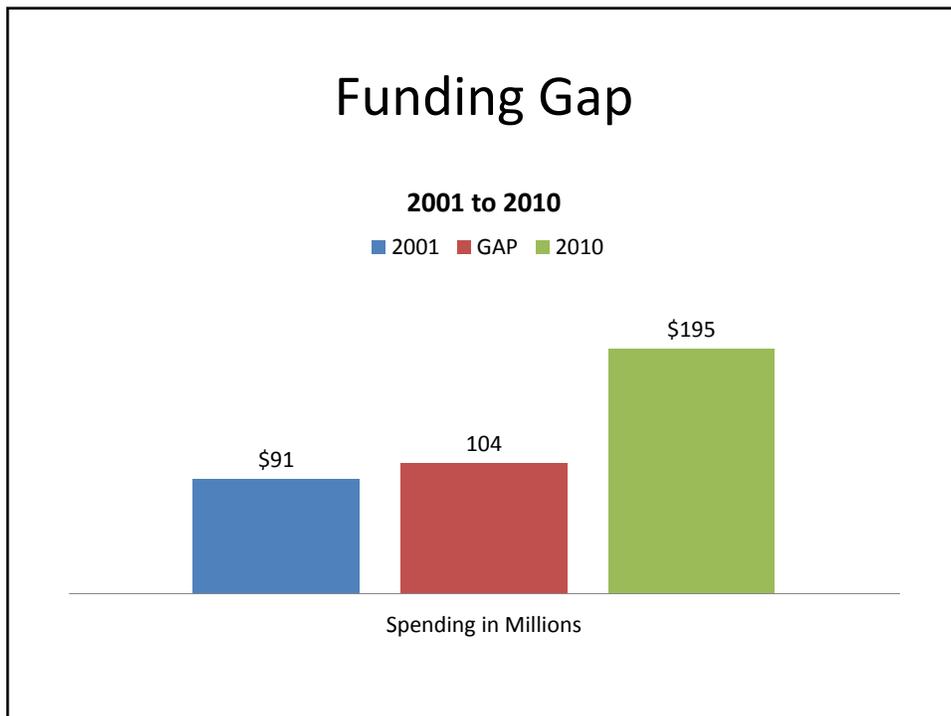
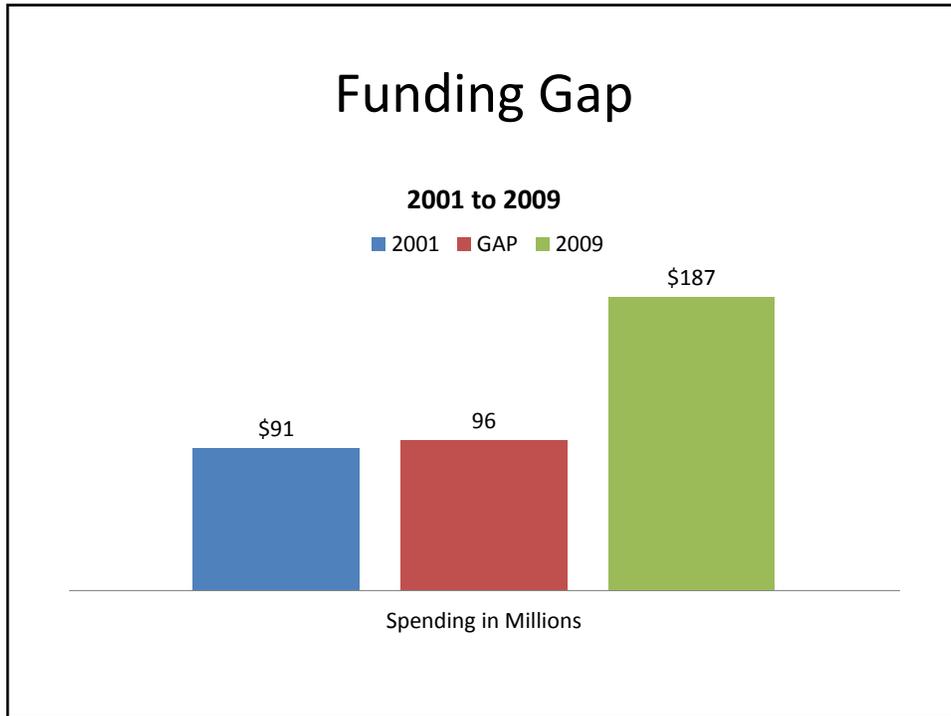


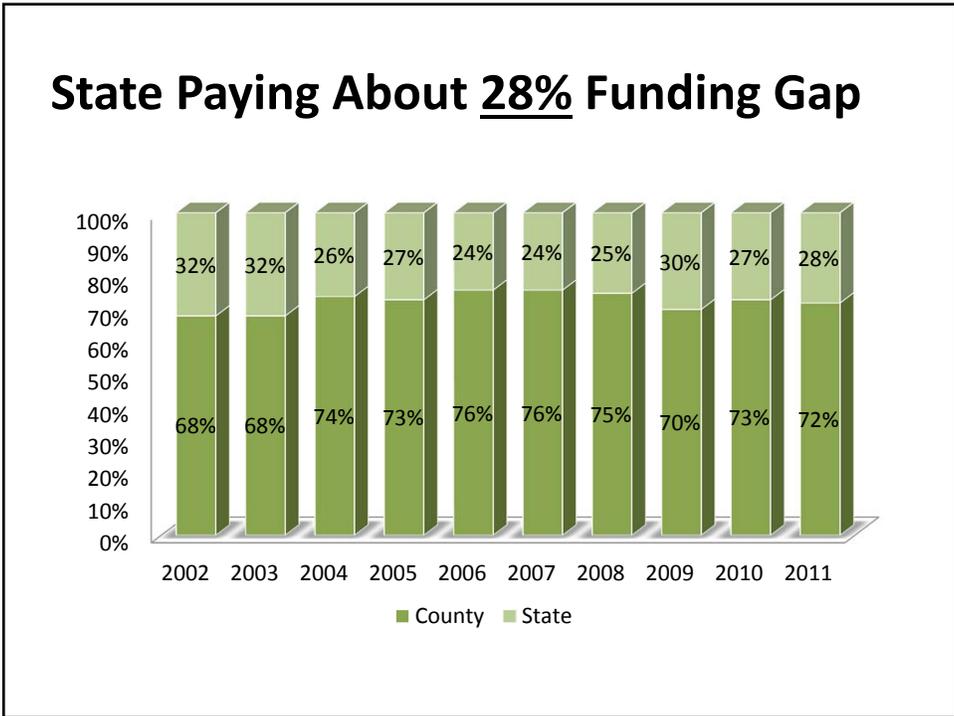
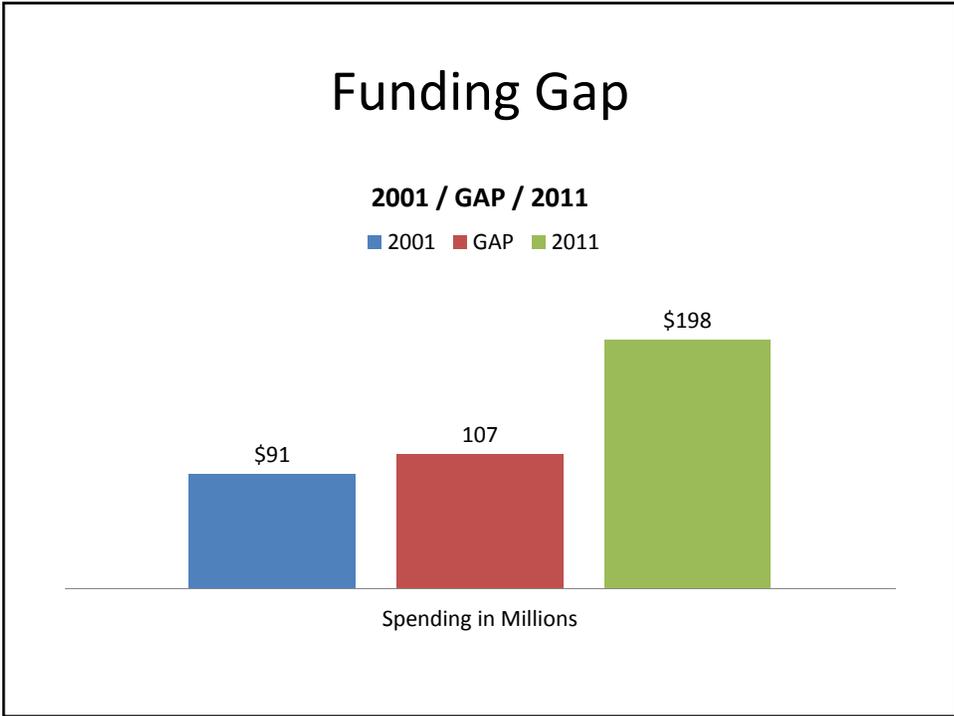




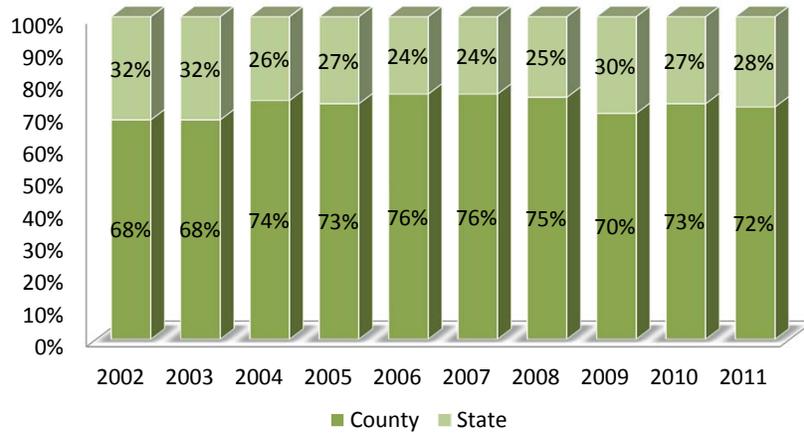




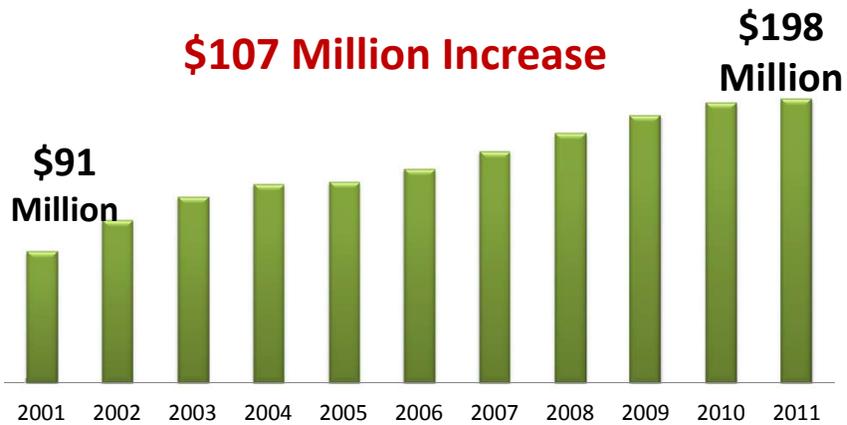


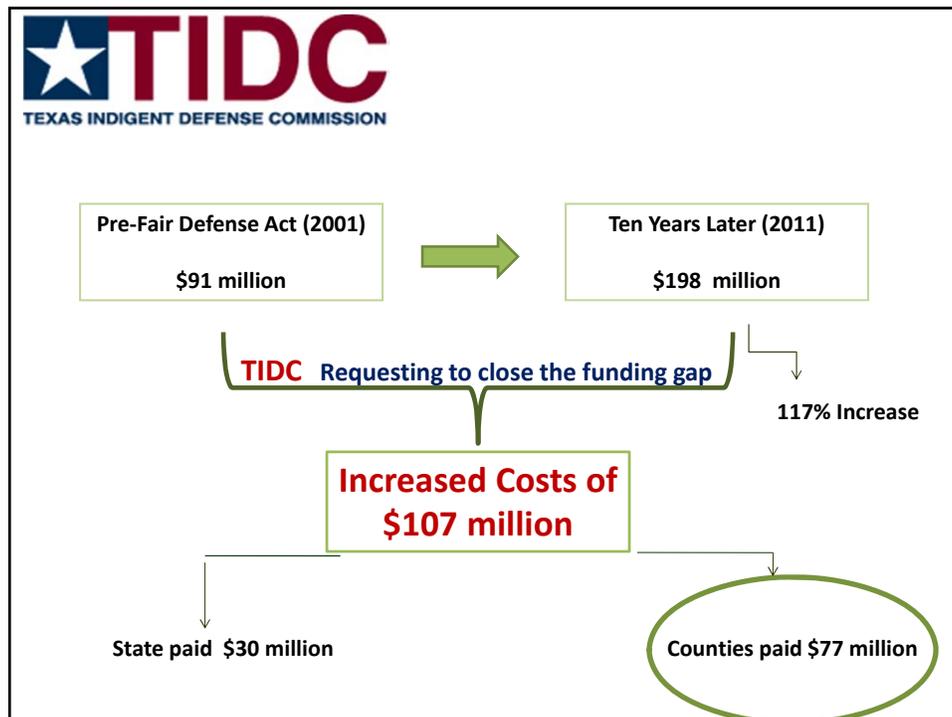


Counties Paying About 72% of Funding Gap



Statewide Indigent Defense Spending





83(R) Legislative Appropriation Request:

- Restore estimated appropriation and UB authority
Equals about \$7 million per year
- To Close the “unfunded” gap another
\$70 million of “new” money is needed



TEXAS CRIMINAL JUSTICE COALITION

Ana Yáñez-Correa, Ph.D.

Texas Criminal Justice Coalition Executive Director:

“How State Funding is Making a Difference”

TCJC works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce Texas’ costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

<http://www.texascjc.org/>

People Served:

- Increase of 45 percent: 324,000 in 2002 to 471,000 in 2011.
- Ten people in Texas have been exonerated (actually innocent).
- Over 20,000 people – including judges, lawyers, county officials, and other justice system stakeholders – have been trained through 298 presentations.

Counties Served:

- Each of Texas' 254 counties has received state grants/funding from the Commission.
- The number of counties being served by some form of public defender office has grown from 7 to more than 155, spanning all nine administrative judicial regions.
- Seventy-nine new programs in Texas counties, ranging from direct client services to technology initiatives, were created Commission funding.

Open, Transparent, and Collaborative Government

- Each of Texas' 254 counties has their indigent defense expenditures and local plans posted on the Commission's interactive / integrative website. This site has been recognized as the best in the country by nationally known and respected indigent defense guru, Robert Spangenberg.
- The Commission's model forms, legislative proposals, and papers are written and promulgated with all interested stakeholders – state, county, judicial, and public interest groups – at the table.
- The Commission has published over 55 publications on issues ranging from determining indigence, to the feasibility of establishing public defender offices, to comprehensive systemwide indigent defense reviews ranging from the representation of a juvenile to an adult (including individuals with the mental illness).



Vikrant P. Reddy

**Policy Analyst, Center for Effective Justice, Texas
Public Policy Foundation:**

**“Policy Perspective: Improving Indigent Defense in
Texas”**

<http://www.texaspolicy.com/>



Andrea Marsh

Executive Director, Texas Fair Defense Project:

**“Role of External Advocates in Improving Indigent
Defense”**

<http://www.texasfairdefenseproject.org/>



County Judges and Commissioners Association of Texas

James P. Allison
**General Counsel, County Judges and
Commissioners Association of Texas:**

“Concluding Thoughts on the 83rd Legislature”

<http://www.cjcat.org/assoc/cms>

