

2001 - 2011

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10  
YEARS

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Texas Fair Defense Act



**FY11 Annual and Expenditure Report**

*formerly*



Texas Task Force on  
Indigent Defense



**TEXAS INDIGENT DEFENSE COMMISSION**

Formerly Task Force on Indigent Defense  
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Honorable Sharon Keller  
Honorable Olen Underwood

Chair – Presiding Judge, Court of Criminal Appeals  
Vice-Chair – Presiding Judge, 2nd Administrative  
Judicial Region of Texas

**EX OFFICIO MEMBERS:**

Honorable Sharon Keller  
Honorable Wallace B. Jefferson  
Honorable Roberto Alonzo  
Honorable Alfonso Charles  
Honorable Pete Gallego  
Honorable Sherry Radack  
Honorable Jeff Wentworth  
Honorable John Whitmire

Austin, Presiding Judge, Court of Criminal Appeals  
Austin, Chief Justice, Supreme Court  
Dallas, State Representative  
Longview, District Judge, 124th District Court  
Alpine, State Representative  
Houston, Chief Justice, First Court of Appeals  
San Antonio, State Senator  
Houston, State Senator

**MEMBERS APPOINTED BY GOVERNOR:**

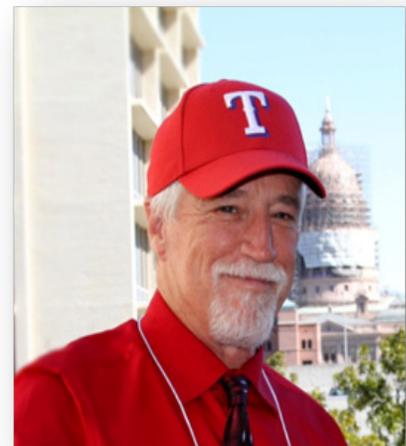
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**The Honorable  
Rusty Ladd  
(1952-2011)**

Members and staff of the Texas Indigent Defense Commission dedicate this year’s annual report to Lubbock County Court at Law Judge Rusty Ladd. Judge Ladd delivered a profoundly moving keynote address to the Indigent Defense Workshop in FY11 on “Why the Right to Counsel Matters.” His presentation may be viewed here: <http://www.txcourts.gov/tidc/videos4/Part04.wmv>



January 10, 2012

Governor Rick Perry  
Lieutenant Governor David Dewhurst  
Speaker of the House Joe Straus  
Chief Justice Wallace B. Jefferson  
Texas Judicial Council

Dear Ladies and Gentlemen:

This fiscal year marks the 10th anniversary of the passage of the Texas Fair Defense Act. It is our privilege to submit this report concerning the duties, activities and accomplishments of the Texas Task Force on Indigent Defense for the fiscal year ending August 31, 2011. As a result of new legislation passed during the fiscal year and discussed in greater detail below, the Task Force officially became the **Texas Indigent Defense Commission** effective September 1, 2011.

Just as the states serve as laboratories of democracy in our federalist system, so too our counties are developing innovative strategies for delivering indigent defense services that are able to be shared and tailored to different circumstances in other counties. Because of the Commission's efforts in collaboration with local jurisdictions, Texas is becoming known as a national leader in indigent defense. A growing number of counties are implementing new evidence-based practices that not only improve indigent defense, but also benefit the operation of the criminal justice system as a whole. This report will demonstrate how local jurisdictions, with the support of this Commission, are achieving success.

One notable example is the Regional Public Defender Office for Capital Cases (RPDCC), which now serves 116 of Texas' 254 counties. This system allows counties to provide high quality representation through a program that controls costs and provides appropriate oversight and accountability. Two Texas counties are also successfully implementing the new option of managed assigned counsel programs, which organize the private bar in a way that enhances accountability and quality control.

Our success is due first and foremost to local government doing its part and more. With the support of the Texas Legislature, the Office of the Governor, county governments, and the judiciary, the Commission will continue its statewide exchange of ideas with all indigent defense stakeholders. During the past year, as outlined in the following pages of this report, much of this dialogue has been turned into positive results.

Sincerely,

Sharon Keller



# Executive Summary

## Ten Year Anniversary of the Texas Fair Defense Act

FY11 marks the tenth year of a statewide indigent defense program in Texas. In January 2002 the Texas Fair Defense Act (FDA) became effective after its passage by the Texas Legislature in 2001. The legislation established the Texas Task Force on Indigent Defense (Task Force) to oversee the provision of indigent defense services in Texas. During the 82nd Legislative Session Governor Perry signed a law (HB1754) through which the Task Force became reorganized as the Texas Indigent Defense Commission (Commission) effective September 1, 2011. Its mission 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. To further that mission, in FY11 there were eight public meetings of the full board and its committees.

2001 - 2011

10  
YEARS

Texas Fair Defense Act

### Grants to Counties

The Commission provided more than \$33 million in grants to Texas Counties to support indigent defense, including over \$25 million in formula-based grants and more than \$8.6 million in competitive-based discretionary grants. This represents 17% of total spending on indigent defense.

### Appropriation for Indigent Defense Capped

State appropriations for indigent defense remained relatively flat in the 2012-2013 budget. The elimination of unexpended balance authority combined with the capping of the appropriation to the Fair Defense Account reduces the amount of funds available for grants to counties.

### Local Control

The Commission supports local control and understands that indigent defense services are provided and funded primarily at the local level. To honor the tenets of local control, the Commission applies evidence-based research to provide local and state officials with reliable information to help them make informed decisions about indigent defense practices. This approach places knowledge in the hands of those responsible for providing these services, as well as state policy makers. Knowledge rather than anecdotes drives decision making. The desired result is a more cost-effective indigent defense delivery system that meets the needs of the local jurisdictions while fulfilling the requirements of state and constitutional law.

### Evidence-Based Research

**Wichita County Defender Outcome Study:** The Commission has partnered with the Public Policy Research Institute at Texas A&M (PPRI) to conduct a study that will compare the effectiveness of defense counsel under different indigent defense delivery models. The study will measure differences in case processing timelines for defendants who are represented by assigned counsel and by the public defender, as well as compare those who are released on bond versus those who remain in jail. Multivariate modeling will be used to identify the defendant, attorney, case, and defense strategy factors that predict key outcomes, such as access to bond, time until release on bond, number of pre-trial jail days, number of pre-trial jail days after the defendant is eligible for release (per Code of Criminal Procedure 17.151), time from arrest to disposition (controlling for warrant and bond status), and conviction and sentencing outcomes.

## Executive Summary

**Harris County Learning Site Plan for Public Defender Office:** As Harris County enters into the second year of a multi-year discretionary grant for its public defender office, the Justice Center at the Council on State Governments has submitted a proposal to make the Harris County Public Defender Office (HCPDO) a National Learning Site. This means the Justice Center will work with HCPDO to establish the program as a public defender information resource for other jurisdictions in Texas and throughout the country interested in developing similar programs. In this context, a “learning site” is a project that involves technical assistance for organizational development and the development of strategies to measure process and outcomes. Harris County is still examining the proposal but will likely engage the Justice Center to perform the evaluation portions of the HCPDO grant.

## State Grant Supports DNA Exoneration of Johnny Pinchback

With the help of Commission funds and a grant provided by the Governor’s Criminal Justice Division, the Texas Tech-based Innocence Project of Texas (IPOT) was able to investigate and conduct forensic testing in the case of Johnny Pinchback, who was convicted of the sexual assault of two teen girls in Dallas in 1984. IPOT was able to locate biological evidence from the case and subsequent DNA testing results exonerated Mr. Pinchback after 27 years in prison. He was released on May 12, 2011 and the Court of Criminal Appeals granted his state habeas corpus petition on June 8, 2011. Mr. Pinchback became the 42nd person exonerated by post-conviction DNA testing in Texas and the 7th person exonerated by Commission-funded projects.

## Robert O. Dawson Indigent Defense Distinguished Service Award

On June 8, 2011, the Commission awarded David Slayton the Robert O. Dawson Indigent Defense Distinguished Service Award. David Slayton is Lubbock County’s court administration director. The award recognizes Mr. Slayton for his work to create innovative systems and procedures in Lubbock and across Texas that serve as models of efficient and effective indigent defense. His leadership and deep commitment to the protection of the constitutional rights of the poor has helped make Lubbock County a leader in indigent defense. Mr. Slayton helped develop the Regional Public Defender for Capital Cases, based in Lubbock, serving more than 100 counties across the state. He was instrumental in securing cooperation among the counties and getting the funding to develop this innovative office. The regional public defender helps participating counties provide high-quality defense representation while efficiently managing the costs of capital cases. Mr. Slayton also led the way to create the Lubbock Special Needs Defenders’ Office, a nonprofit program of the local defense bar that manages a group of private attorneys who work with social workers to more effectively serve defendants with mental illness. Based on the success of this model in ensuring quality defense services, Mr. Slayton has most recently built support to develop a similar managed assigned counsel office to coordinate representation for indigents in all felony and misdemeanor cases in Lubbock. The Commission issued a [press release](#) about the award.



David Slayton and Judge Sharon Keller

## Program Administration

There are eleven staff members to support the mission and work of the Commission. In addition, the Commission is supported by the administrative support provided by the Office of Court Administration (OCA). This support includes purchasing, human resources, fiscal and other operations. OCA’s support leverages the economies of scale of the larger organization, while allowing the Commission’s smaller staff to focus exclusively on the substantive work of improving indigent defense. In turn, the Commission’s staff is able to lend their expertise to OCA when issues arise related to indigence in criminal and juvenile law, as well as the front-end of criminal case management systems. Legislative bill tracking and communication is another example of the effective collaboration among Commission staff and OCA.

## Other Highlights from FY2011

**Important legislation passed that strengthened indigent defense in Texas** by providing local governments more options to provide effective services, by streamlining the process to establish public defender programs, and by clarifying the types of processes that the FDA governs. Although confronted with a very challenging budget environment, the legislature kept indigent defense funding for county programs largely intact.

Commission funded the expansion the Regional Public Defender Office for Capital Cases (RPDCC), which has received state and national accolades for its work.

- Established four years ago with Lubbock County serving as the administrative county.
- Received “Best Practices” accolades from Texas Association of Counties and National Association of Counties
- Provides counties with high quality defense services and a cost management strategy that avoids the budget disruption resulting from capital cases.
- To date, more than 140 counties are participating in the RPDCC.

**Comprehensive county indigent defense plan data is now available in an improved format online.** Data is more accessible and makes it easier for counties to submit and update plans. This data is available to the public on the Commission’s website at: <http://tidc.tamu.edu/Public>.

**The 8th Annual Indigent Defense Workshop** was held in October 2010, which brought together county, state and federal stakeholders in workgroups that discussed issues and planned solutions related to the criminal justice system in Texas. Participants gained from the presenters’ experience with successful programs that improve the quality of representation and measure attorney performance. Video recordings of the presentations are available at <http://www.txcourts.gov/tidc/videos4.asp>.

**The Fair Defense Law: A Primer for Texas Officials** was published in January 2011 and serves as handy reference for newly elected county court officials and a helpful review for others. The publication contains not only the ten key provisions of the Texas Fair Defense Act, but also additional resources to assist county officials, the judiciary, and bar in performing their duties under the law. This publication is available at: <http://www.txcourts.gov/tidc/pdf/FairDefenseLawAPrimerforTexasOfficialsJan2011.pdf>.

**Texas Receives \$700,000 John R. Justice (JRJ) Grant.** Commission staff worked closely with the Office of Governor, Texas District and County Attorney’s Association, and the Texas Higher Education Coordinating Board to secure a grant from the U.S. Department of Justice under the John R. Justice (JRJ) Grant Program. This program provides funding for law student loan repayment for local, state, and federal public defenders and local and state prosecutors. The funds are split evenly between prosecutors and public defenders. Student loan debt is consistently cited as the overwhelming reason why attorneys decline or leave positions as prosecutors and public defenders. Furthermore, public defender and prosecutor salaries have failed to keep pace with the escalating cost of education. As a result, talented lawyers are often unwilling to accept or remain in attorney positions as prosecutors or public defenders, creating real challenges for those offices in their quest to hire and retain capable attorneys.

“Since 2001,  
indigent defense  
systems in Texas  
have dramatically  
improved.”

Texas Senate Criminal Justice  
Committee Interim Report and  
Recommendations, December 2010

# Policies and Standards

The Commission's primary strategic goal is to improve indigent defense services through the development of policies and standards, as well as legislative proposals. Initiatives under this goal are developed to improve consistency and quality in indigent defense services in Texas. While the FDA contains a variety of statutory requirements, the Commission is given broad authority to develop additional rules, best practices, and model forms covering a wide range of indigent defense issues in a process that encourages stakeholder involvement and collaboration. In approaching this process, the Commission is always mindful of the potential costs associated with implementing additional requirements.

## Legislative Developments in Indigent Defense

Each summer before a legislative session the Commission convenes a legislative workgroup to assist in developing legislative recommendations to improve the quality of indigent defense services in accordance with Section 79.035, Government Code and the Legislative Policy adopted by the Commission. A diverse group of criminal justice stakeholders were brought together in the summer of 2010 to develop the proposals, which were then presented to the Commission for consideration. The process resulted in the Commission making eight substantive recommendations to the 82nd Legislature to improve Texas' indigent defense system. The Texas Judicial Council also adopted resolutions endorsing these proposals.

In lieu of a sunset review (which, as an entity of the judiciary branch, the Commission is not statutorily required to have), indigent defense was also the subject of interim charges to legislative committees for the first time since passage of the FDA in 2001. Hearings on these charges were held in May 2010 by the Senate Committee on Criminal Justice and House Committee on Criminal Jurisprudence. Both committees issued reports and recommendations based on the hearings in December 2010.

The Senate Committee on Criminal Justice's [report](#) recommended increasing the independence of the Task Force, including submission of its legislative appropriations request separately from the Office of

Court Administration. It also recommended expanding the indigent defense delivery system options available to counties by authorizing managed assigned counsel programs in statute. Finally, the Senate Committee recommended additional funding for discretionary grant programs, including incentives for jurisdictions to establish public defender offices.

The [report](#) of the House Committee on Criminal Jurisprudence included recommendations to promote the establishment of public defender offices, streamline the process for creating such offices, provide funding for support staff in public defender offices, and to consider implementation of a state-wide public defender system. The report also recommended greater independence for the indigent defense function by authorizing managed assigned counsel programs.

Proposed legislation drew upon the committee recommendations above, as well as additional legislative recommendations from the Commission. Virtually all the filed bills related to these recommendations were ultimately passed and signed into law by the governor. During session the Commission's Chair, Executive Director and Deputy Director met with all criminal justice committee members individually, both in the House and Senate, to provide information and resources about indigent defense and the substance of the recommendations. More detailed summaries of the above bills and a complete listing of all bills passed related to indigent defense are available on the [legislative information page](#) on the Commission's website.

## Key Indigent Defense Legislation Passed

HB 1754 by **Chairman Gallego/Senator Wentworth** reconstituted and renamed the Task Force on Indigent Defense as the Texas Indigent Defense Commission. The duties, responsibilities, members, and staff of the Task Force were all transferred to the Commission, which remains administratively attached to the Office of Court Administration (OCA). However, the Commission was granted authority to submit its legislative appropriation request separate from the OCA. This change benefits both OCA and the Commission. OCA can seek the funding it needs to effectively serve the courts and administer its statutory responsibilities, and the Commission can effectively present its case for indigent defense funding without having to compete directly with OCA for funding. Additionally, this legislation streamlined the process to create public defender offices and provided the statutory framework on how to establish a managed assigned counsel program, a new defense delivery system that employs the private bar but requires quality controls lacking in a traditional ad hoc assigned counsel program.

Legislative appropriations for indigent defense were kept largely intact. The appropriations bill that was passed at the end of the 82nd Legislature's Regular Session cut funding for indigent defense grants to counties by 15%, or approximately \$8.6 million. In addition, the Commission's administrative operating budget was reduced by approximately \$90,000 per year, including the elimination of one or possibly two staff positions. Fortunately, the Legislature restored the funding for indigent defense grants and the administrative budget during the First Called Special Session. The Legislature also continued to fund innocence projects at the four public law schools at \$320,000 each year of the biennium (\$80,000/school), while also providing funding for one staff person to administer and coordinate the work of the innocence projects. As in past years, the entire appropriation for this program is derived from dedicated fees and court costs assessed on persons convicted of a criminal offense. Historically the Commission was given the authority to use any unexpended funds in the Fair Defense Account in the following biennium, also known as Unexpended Balance authority or UB. In addition, there was no ceiling or cap on how much the Commission could provide in grants to counties. The only limit was the dedicated fees and court costs collected in a particular year. No General Revenue funds are appropriated for this program. This legislative session, the Commission's authority to use any unexpended funds was removed and a cap was placed on how much could be spent on grants for counties. As a result, any dedicated fees or court costs collected in excess of the cap may not be spent by the Commission without legislative approval. The amount of such excess funds may also grow due to the passage of HB 442 by **Representative Guillen** that increases the percentage of the original court cost allocation to the Fair Defense Account from 6.0143% to 8.0143%. Although the fiscal note for the bill indicated that the amount of revenue to the Fair Defense Account could not be estimated, based on prior collections this change has the potential to increase funding to the account by approximately \$4 million each year.



Senator  
Jeff Wentworth



Representative  
Pete Gallego



Senator  
Rodney Ellis



Senator  
Kel Seliger



Representative  
Ryan Guillen

## Policies and Standards

**SB 1681** by **Senator Ellis** clarifies that the Fair Defense Act applies to attorney appointments for probation revocations and appeals, specifies procedures for withdrawal of trial counsel and appointment of appellate counsel, and authorizes any magistrate to provide warnings on rights to defendants arrested for motions to revoke probation.

A past recommendation of the Commission also passed this session in the form of **SB 1308** by **Senator Seliger**. This legislation allows the local selection committee in each administrative judicial region to review an attorney's current ability to provide effective representation when the attorney is no longer eligible to represent indigent defendants in capital cases due to a single finding of ineffective assistance of counsel.

The legislature also passed **HB 27** by **Representative Guillen** to require courts to allow a defendant in a misdemeanor case who cannot immediately pay a fine or court costs to make the payment in installments or to perform community service as payment.

Finally, the legislature also filed several bills related to recommendations of the **Timothy Cole Advisory Panel on Wrongful Convictions (TCAP)** and two significant ones were passed. In 2009 the Texas Legislature directed the Commission to staff and facilitate TCAP's work. The panel was chaired by the Executive Director and included representatives from the defense bar, prosecutors, law enforcement, the judiciary, the legislature and the governor's office. Both bills below were based on consensus developed through TCAP's work.



**HB 215** is designed to reduce eyewitness misidentification, which is the leading cause of wrongful convictions. It will require all Texas law enforcement agencies to adopt and implement detailed written policies and procedures for the conduct of photo and live lineup identification procedures that incorporate best practices supported by research.

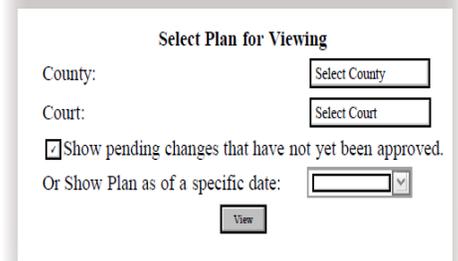
**SB 122** modifies the requirements for granting motions for post-conviction DNA testing by removing certain restrictions regarding the reasons why biological evidence was not tested previously, so that testing of any previously untested biological evidence may be granted.

## Indigent Defense Plan Submission

In 2009 local jurisdictions submitted their indigent defense plans via a new web-based process which organizes plans by section. After dedicated work by local officials and Commission staff, all plans submitted have been brought into compliance with the requirements. Local officials have also actively been managing their plans by submitting updates to sections as they have occurred.

Commission staff worked with the Public Policy Research Institute to build onto the [online system](#) to create and simplify the process through which local officials can easily meet the requirements contained in Section 79.036, Government Code, (which replaces Section 71.0351). This section requires officials by November 1 of each odd-numbered year to submit their indigent defense plans, any revisions to the plans, or verify that a plan previously submitted is still in effect. This system is similar to that used to submit and approve plans in 2009, in which the judge charged with making the submission will receive an email with a hyperlink to their county's plan. After logging into the system the judge may then review the county's existing plan and forms on file and either verify and approve it as is, or submit revisions to the plan. [Detailed instructions](#) on this process were sent out at the beginning of September 2011.

Plans are available to view on the Commission website at <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx>



The screenshot shows a web form titled "Select Plan for Viewing". It contains the following elements: a "County:" label with a "Select County" dropdown menu; a "Court:" label with a "Select Court" dropdown menu; a checkbox labeled "Show pending changes that have not yet been approved." which is checked; and a label "Or Show Plan as of a specific date:" followed by a date selection dropdown menu. A "View" button is located at the bottom right of the form.

## State Bar Adopted New Attorney Performance Guidelines

On January 28, 2011, the State Bar of Texas Board of Directors adopted “[Performance Guidelines for Non-Capital Criminal Defense Representation](#).” The Guidelines were developed by the State Bar Committee on Legal Service to the Poor in Criminal Matters to encourage defense attorneys to perform to a high standard of representation. Although not binding on attorneys, they may be used as a checklist or training tool for criminal defense attorneys or used as part of an evaluation of an attorney's performance in a public defender's office or managed assigned counsel program. While the Commission has not formally adopted the Guidelines they serve as an additional resource to staff and indigent defense systems across the state and have already been incorporated into the policy manual of some local public defender programs.

# Education, Publications, and Online Resources

The Commission serves as a clearinghouse for indigent defense information that enhances understanding of the FDA and makes available tools and resources that can help improve indigent defense in Texas. The Commission serves this function in a number of ways, including through its website, trainings, presentations, studies, e-newsletters, brochures, site visits, webinars and other outreach described below. In FY11, Commission staff made presentations, site visits and provided trainings to more than 1,250 participants.

## Annual Indigent Defense Workshop

One of the most important trainings the Commission sponsors each year is the Indigent Defense Workshop. The FY11 Workshop, titled “Quality of Representation: Developing and Measuring Assigned Attorney Performance Standards,” was held on October 28-29, 2010. Approximately 100 participants convened representing 27 Texas counties. Attendees included a cross-section of leadership, including judges, commissioners and administrators. The Texas Association of Counties (TAC) and the National Association of Criminal Defense Lawyers (NACDL) joined the Commission as co-sponsors of the workshop. Both NACDL President Jim Lavine and Executive Director Norman Reimer were in attendance.

The Honorable Rusty Ladd delivered an inspirational keynote address on “[Why the Right to Counsel Matters.](#)” Jim Neuhard (Chief, Michigan State Appellate Defender Office) and John Digiacinto (Chief Defender, San Mateo Private Defender Office) illuminated issues related to attorney performance measures. In order to make these valuable presentations available for viewing to the widest possible audience, [videos may be found on the website](#), together with course materials and previous years’ workshop presentations.

During small workgroups workshop participants worked with Commission staff to develop 90-day action plans that address an indigent defense issue that the county would like to solve. After 90 days staff follows up with the counties to see if technical assistance is needed. Some of the results produced through this process included:

- Burnet County applied for a discretionary grant for a regional public defender office.
- Bell County continued to improve on its Indigent Defense Web Portal.
- Collin County suggested that the Commission work with the State Bar of Texas on a way for counties to have access to State Bar CLE data online.
- Freestone County reported increased attorney performance due to a grievance form that was created based on workshop information.
- Taylor County reported increased productivity from having applied for and received a grant from the Commission for a videoconferencing system.

## 2nd Texas Indigent Defense Summit

On March 1, 2011, the Commission joined with State Senator Rodney Ellis to convene the 2nd Texas Indigent Defense Summit at the Texas Capitol. A number of distinguished speakers from Texas and across the nation spoke to the program’s theme of “Improving Quality and Accountability During a Fiscal Crisis.” The event was co-sponsored by NACDL, the Texas Criminal Defense Lawyers Association, the Texas Court of Criminal Appeals and the American Bar Association. Norman Reimer, NACDL’s Executive Director, published an overview of this event entitled “[Limited Resources May Present United Opportunities for Reform.](#)”

## Other Presentations

Commission staff present information about the Fair Defense Act, the mission, goals and strategies of the Commission and information on evidence based practices derived from studies undertaken regarding public defense processes. The Director often is the presenter. At times the staff member over a particular program area will co-present. Also if a board member or colleague will be attending the program, that person or persons will also co-present. 14 such presentations were made to professionally sponsored conferences with over 1,000 in attendance to some of the following:

- Texas Association of Counties (Austin, 9/1/10)
- Department of Justice, National Institute of Justice (DC, 9/13/10)
- University of Texas School of Law/American Bar Association (Austin, 11/19/10)
- Texas Association of Counties New Judges Orientation (Lubbock, 1/25/11)
- Sam Houston State University (Huntsville, 2/9/11)
- State Bar of Texas Juvenile Law Section (Corpus Christi, 2/21/11)
- Southern Public Defender Training Center (Birmingham, 7/29/11)
- National Association of Criminal Defense Lawyers (Denver, 8/3/11)

## Webinars

The Commission began a new webinar based training for its grants program and held two sessions for counties interested in the discretionary grant application process (1/31/11 and 3/33/11). There were approximately 50 participants.

## Commission Website

The Commission has continued to augment and expand its website in order to provide public access to all county indigent defense plans and expenditure reports, as well as guides, model forms, rules, publications, e-newsletters and press releases. As of December 14, 2011, there have been 42,503 distinct visits out of 111,157 page hits to the public access site since its inception on September 23, 2003. The website address is [www.txcourts.gov/tidc](http://www.txcourts.gov/tidc). In an ongoing effort to improve and simplify the organization and accessibility of all data and content collected over the past ten years, staff has been working on a web redesign project this year with the Public Policy Research Institute. The new and improved public access page is expected to be launched in early 2012.

## E-Newsletters

The Commission distributes an e-Newsletter to approximately 2,000 email addresses derived from the database of Texas county indigent defense program contacts and others who have expressed an interest in receiving regular information from the Commission. The newsletter is distributed after each board meeting (three to four times a year) to inform counties of indigent defense developments that they need to be aware of. It also highlights county success stories and Commission studies and publications. The newsletter also has a national audience.

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**TEXAS INDIGENT DEFENSE COMMISSION**  
September 2011  
[www.txcourts.gov/tidc](http://www.txcourts.gov/tidc)

**\$8.1 MILLION AWARDED**  
At the final meeting of the Texas Task Force on Indigent Defense (now known as the Texas Indigent Defense Commission), the Board voted to award more than \$8.1 million dollars through several funding programs to help Texas counties improve their indigent defense efforts. The Board also increased the formula funding by \$4 million. As a result counties can expect a slight increase in their FY11 final quarterly payment. (Read more about the grants awarded on page 4.)

**Message from the Chair**  
During the 82nd Legislature Governor Perry signed a law (HB1754) establishing the Texas Indigent Defense Commission. This organization replaced and renamed the Task Force on Indigent Defense on September 1, 2011. The Task Force held its final meeting on August 25th and celebrated the 10-year anniversary of the Texas Fair Defense Act by hosting a reception following the meeting and to also thank all those who have worked with us on the mission to improve indigent defense in Texas. I'd like to take this opportunity to recognize Lubbock County for its recent Best Practice Award from Texas Association of Counties. The program awarded was the Special Needs Defender Program that was funded with grant awards by the Commission (formerly the Task Force). There is also a video on YouTube that might interest you. Texas Counties have stepped up to the plate these past ten years to do the right thing and it's been my pleasure and honor to work with county leadership on this initiative. Sharon Keller, Chair, Texas Indigent Defense Commission, Presiding Judge, Court of Criminal Appeals

Board members left to right: Knox Fitzgerald, Judge Jon Burrows, Judge Glen Whitely, Presiding Judge Sharon Keller, Judge Alfonso Charles, Tony O'Brien, Judge Glen Underwood

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## Publications

### *Impact of Discretionary Grants*

To help communicate the impact of indigent defense programs funded through the Discretionary Grant Program, the Commission developed a series of one-page fact sheets during the 82nd Legislative Session. These documents demonstrate how programs have helped counties to meet the requirement of the FDA and document fidelity to the law. They also highlight how the Commission works with counties to develop local solutions to local issues. Examples of such programs include the [Regional Public Defender Office for Capital Cases](#), the [Caprock Regional Public Defender](#), the Montgomery Mental Health Managed Assigned Counsel program, and the [Harris County Public Defender Office](#). An additional [fact sheet](#) emphasized programs around the state that have made use of Discretionary Grant Program funds to implement specialized services for indigent defendants, including programs for veterans and defendants with mental illness. These fact sheets and other Commission studies in progress will be used to create a comprehensive report on all programs funded through the Commission's Discretionary Grant Program, which staff will then periodically update as a resource for the Commission, counties and the legislature.



### *Fair Defense Law: A Primer for Texas Officials*

This publication was issued in January 2011 and is now often used as a handout when the Executive Director is asked to present information about indigent defense in Texas to newly elected county court officials and serves as a handy reference. It contains not only the ten key provisions of the FDA, but also additional resources to assist these key stakeholders in performing their duties under the law.

## Technical Assistance

The Commission makes technical assistance available to county personnel regarding the requirements of the FDA. The assistance may be via phone or on-site. The staff, including the Executive Director, travels to many jurisdictions across the state each year. In FY11 staff conducted 108 site visits in Texas counties for a variety of purposes. Visits were related to program improvements, grant funding and expenditure reporting. The Commission places a high priority on communication and training and educating all stakeholders in the indigent defense process. This assistance may be in the form of presentation or an informal meeting requested by a county grappling with spikes in spending, process-related challenges and other related issues.

The sharing of information between the state and local jurisdictions benefits not only the local jurisdictions, but the state comes away from these meetings or presentations with a better understanding of local challenges. As a result, the state is better able to meet the needs of the local jurisdictions, and it is not uncommon for process changes to be implemented by the local officials that benefit not only the county, but indigent clients as well. Whatever a county's indigent defense issues or needs are, counties are encouraged to contact Commission staff for technical assistance.

## Encouraging and Promoting Public Service

The Commission was represented by staff at the UT Law Public Service Table Talk event. Staff promoted the Commission's internship program and discussed the ABA publication "Careers in Criminal Law," which features a chapter by Carl Reynolds, Administrative Director of Office of Court Administration, on being a state court administrator. The publication gives students helpful and insightful advice on how to decide which area of public service law is right for them.

### Commission Law Student Interns

The Commission thanks Ms. Tonya Jones, Texas Legislative Intern, for her assistance during FY11. Ms. Jones was a third year law student at Southern University Law Center in Baton Rouge, Louisiana, and was one of 60 students who were selected to participate in Senator Rodney Ellis's Texas Legislative Internship Program this session. Ms. Jones worked on various projects including attending Bexar County's Indigent Defense Task Force meetings, fiscal notes during the legislative session and a research paper on the history of indigent defense in Texas.

Over the summer the Commission was also pleased and grateful to have Mr. PJ Mayer as a law student intern from Stetson Law School.

Mr. Paul Sembera also joined the Commission this summer and worked on revisions to the [Fair Defense Law Codified](#) document based on the recent legislative session, as well as a law review article based on a study of the impact of different types of counsel to defendants with mental health issues. Mr. Sembera is entering his third year at the University of Texas School of Law.



# Policy and Fiscal Monitoring

## Policy Monitoring

Texas Government Code §79.037 directs the Commission to monitor local jurisdictions' compliance with the FDA. Counties are selected for monitoring through an objective risk assessment. These reviews focus on the core requirements of the FDA.

Local officials, staff, and members of bar are interviewed, hearings are observed, expenditure records reviewed, and case files examined to determine how well jurisdictions meet the core requirements of the FDA. Jurisdictions are checked to ensure the following: that Article 15.17 hearings are held within 48 hours of arrest; that the county's indigent defense plan sets a standard of indigence; that the jurisdiction has a method for tracking continuing legal education (CLE) hours of attorneys on the appointment list; that counsel is appointed within statutorily required times; that appointments are distributed in a fair, neutral, and non-discriminatory manner; and that attorneys are paid according to a standard payment process.

For a listing of policy monitoring-related reviews, please see the table at right.

### Ft. Bend County Program Review

The Commission staff conducted a comprehensive review of Fort Bend's indigent defense system. From January through April site work was conducted by staff with a report being issued in August 2011. The review was initiated by a request from Senator Rodney Ellis and Representative Ron Reynolds (both of whose districts include parts of Fort Bend County). Staff made numerous trips to the county and reviewed case files, observed hearings, interviewed officials, and conducted a survey of the criminal defense bar. They also met with district and county court judges, associate judges, the mental health public defender, the district and county clerks, the district attorney's office, the sheriff's office, the indigent defense coordinator, juvenile probation personnel, and members of the criminal defense bar. The county's response addressing the findings in the assessment report was due December 21, 2011.

County	Dates	Issues Addressed
Wichita	9/27 – 9/29/2010  10/11 – 10/14/2010  11/15 – 11/17/2010	Wichita County requested that the Commission review Wichita County's indigent defense processes and requested that the Commission provide an analysis of how defendants move in and out of the jail. The Commission conducted the review in coordination with the PPRI study to evaluate the impact of type of counsel on case outcomes. The monitoring report found issues with timely appointments of counsel.
Houston	1/28/2011	The visit involved technical assistance where local officials discussed the processes for handling admonishments and requests for counsel.
Fort Bend	1/21/2011  2/7 – 2/10/2011  3/2 – 3/4/2011  3/24 – 3/25/2011  4/11 – 4/12/2011	Multiple site visits were made to examine records, observe hearings, and to interview officials regarding local indigent defense processes. The monitoring report found issues with prompt magistrate warnings, timely appointment of counsel, methods for determining indigence and for appointing counsel not described in its indigent defense plan, and with non-continuous representation of indigent clients by their appointed attorneys.
Dallas	7/25 – 7/28/2011	This second follow-up visit examined Dallas County's implementation plan for speeding appointments of counsel and for ensuring even distributions of appointments.

## Bexar County Program Review Follow-Up

In December 2009, Senator Jeff Wentworth, a member of the Commission, requested a full review of Bexar County’s indigent defense processes. The purpose of this request and assessment was to determine the effectiveness of Bexar County’s indigent defense processes and to determine whether they were in compliance with the FDA. The Commission, in collaboration with OCA, interviewed representatives from various departments in the criminal justice system, observed a variety of court proceedings, and examined indigent defense records. The report was submitted to Bexar County officials on August 16, 2010, and the county provided its response on October 22, 2010. As a result of the assessment, Bexar County formed a workgroup called the Indigent Defense Task Force to address issues raised in the report and to also explore alternative systems. The [Final Report](#) was released in May 2011 and included recommendations for the county to further explore changes from their court managed assigned counsel system, such as a public defender or managed assigned counsel system. The Commission’s Executive Director, Deputy Director and other staff members participated in many of this group’s meetings and provided technical assistance as requested.

## Fiscal Monitoring

The standards used to conduct fiscal monitoring reviews are based on state law and administrative rules. The Commission is required by Texas Government Code §79.037 to monitor counties that receive grant funds and to enforce compliance by the county with the conditions of the grant. The [Uniform Grant Management Standards \(UGMS\)](#) and grant rules set the monitoring criteria and priorities for counties. Counties are selected for a monitoring visit based on a combination of objective risk assessment scores and geographical distribution. The review process considers a number of factors in determining the county’s risk level related to the adequacy and type of financial management system, baseline adjustments, administrative costs, and equipment expenditures.

The annual [Indigent Defense Expenditure Report \(IDER\)](#) provides a thorough snapshot of all county indigent defense expenditures. This data provides the basis for eligibility in all of the Commission’s grant programs, both formula and discretionary, as well as whether a fiscal review may be warranted. It also provides policymakers at the state and local levels with a clear and reliable picture of indigent defense service usage. It provides evidence of funding needs and whether statutory and state standards for are being accomplished.

The fiscal monitor serves as a valuable resource to counties by providing technical assistance to county personnel regarding the tracking and reporting of indigent defense expenses. By helping counties proactively identify and rectify reporting issues and providing technical assistance, the fiscal monitor fills a critical role. This effort helps ensure the overall integrity of the local and state indigent defense expenditure report.

### Members of the Bexar County Indigent Defense Task Force

**Stephanie Boyd**, Attorney

**David Christian**, Attorney

**Bernie Martinez**, Attorney

**John “Bud” Ritenour, Jr.**, Attorney

**Tom Stolhandske**, Attorney, former Bexar County Commissioner

**Steve Takas, Jr.**, Attorney, Municipal Court Judge

**Charles E. Ebrom** (alternate), Attorney, Vice President of Zachry Construction

**Bill Piatt**, Chair, Professor of Law, St. Mary’s University

The report prepared by the Bexar County Indigent Defense Task Force is on the Commission website: [http://www.txcourts.gov/tidc/pdf/appx7-6\\_bexarIDtaskforce.pdf](http://www.txcourts.gov/tidc/pdf/appx7-6_bexarIDtaskforce.pdf)

In addition to regular monitoring visits, the fiscal monitor conducted several special projects during FY11, including:

- A desk review of all contract defender programs to ensure that counties using this method of providing indigent defense are including key provisions in their contracts that meet standards for effective representation.
- A research project regarding expenses associated with licensed investigators and experts to identify potential issues related to availability of these services in all geographic regions.

The Commission staff always strives to make monitoring reviews constructive, not punitive. It is in both the county’s and the state’s interest to have the limited state resources allocated for indigent defense used for its intended purposes and for the expenditure data reported to the state accurately reflect the financial state of indigent defense in that particular county.

In FY11, the fiscal monitor traveled to 19 counties and conducted 13 fiscal monitoring reviews and six technical assistance appointments. These counties received \$689,876 in formula grants; \$99,000 in extraordinary grants; and \$557,453 in equalization disbursements, totaling \$1,346,329. Some of the most common fiscal issues identified through monitoring are listed below:

- Indigent defense expenses for licensed investigators, experts, and other direct litigation expenses are often not consistently reported. (See Government Code, Sec. 79.036.) Often these expenses are mistakenly included in the attorney services category; however they must be reported separately.
- Continuing Legal Education (CLE) hours are often not consistently documented for court appointed attorneys. (See Texas Administrative Code, Title 1, Chapter 174.) While county indigent defense plans are required to include a policy for ensuring that attorneys qualified for appointment are current on CLE hours, some counties do not follow through on this requirement.
- Accounting and reporting procedures are often lacking regarding indigent defense expenditures. (See Uniform Grant Management Standards, page 68, paragraph 20.) It is important for counties to have a clear written policy for indigent defense payment and accounting procedures. Often counties have appropriate practices in place but are lacking a written policy required by state grant management standards.
- Contracts for indigent defense services sometimes do not meet the guidelines for awarding contracts for indigent defense services as specified in Article 26.04(h), Code of Criminal Procedure, and the Commission-adopted contract defender program rules under Title 1, Part 8, Section 174.10-174.25, Texas Administrative Code. Counties using a contract defender are urged to consult these standards when preparing contracts.

“Burnet County appreciates the knowledge gained from Ms. Carol Conner during the Fiscal Monitor Visit on April 21, 2010. Ms. Conner was very knowledgeable and eager to assist with any concerns or questions that we had. We are grateful to have a familiar face to call at any time for assistance.”

Ms. Joan Fisher  
Burnet County Auditor

FY11 Fiscal Monitor Visits			
County	Date	Visit	Region
Austin	7/13/11	fiscal	3rd
Bastrop	2/10/11	tech assist	2nd
Bosque	7/26/11	fiscal	3rd
Cherokee	6/30/11	tech assist	1st
Colorado	1/27/11	tech assist	3rd
Comanche	7/27-7/29/11	fiscal	3rd
Ector	3/10/11	fiscal	7th
Ellis	6/14-6/16/11	fiscal	1st
Fayette	7/14/11	fiscal	3rd
Galveston	1/25-1/27/11	fiscal	2nd
Gregg	9/21-9/22/10	fiscal	1st
Hamilton	7/28/11	fiscal	3rd
Jones	3/22/11	fiscal	7th
Midland	3/8-3/9/11	fiscal	7th
Nacogdoches	6/28-6/29/11	fiscal	1st
Shackelford	3/23/11	tech assist	7th
Taylor	3/22/11	tech assist	7th
Waller	7/11-7/12/11	fiscal	2nd
Wood	9/23/10	tech assist	1st

# Innocence Project Program

In addition to its core mission of supporting county indigent defense systems, the Commission also administers legislatively directed grants to Texas public law schools to operate innocence projects. These projects organize law students who work with experienced attorneys to review claims of actual innocence from Texas inmates.

In its 6th year this program continued to achieve results both educational and legal. During FY11, 115 students worked more than 12,000 hours reviewing and investigating claims of actual innocence in both DNA and non-DNA cases. The projects processed 3613 requests for assistance, screened 1183 inmate questionnaires, initiated 314 new investigations, and completed 392 investigations. Four cases entered litigation and one client was formally exonerated.

The Commission has worked with the projects this year to revise the shared database system in order to better coordinate their work and provide more useful information about caseloads and backlogs. Revised contracts were put in place requiring the law schools to timely update the shared database. Projects improved procedures for data collection and the Commission continues to work with them on cleanup of existing data. Revised contracts also put in place additional requirements for subcontract review and more comprehensive financial reporting to better evaluate the impact of state funding for the innocence projects. To ensure consistency through project staff changes, Commission staff developed an innocence grant program guidebook detailing grant requirements, shared database protocols and other issues concerning project coordination. The Commission has also worked with the projects to draft an expanded joint report on their work and to prepare a report on the latest exoneration (see below) as required by a provision of HB 1754, enacted by the 82nd Legislature.

## **Commission/CJD Grant Supports DNA Exoneration of Johnny Pinchback**

With the help of Commission grant funds provided by the Governor's Criminal Justice Division, the Texas Tech-based Innocence Project of Texas (IPOT) was able to investigate and conduct forensic testing in the case of Johnny Pinchback, who was convicted of the sexual assault of two teen girls in Dallas in 1984. IPOT was able to locate biological evidence from the case and subsequent DNA testing results exonerated Mr. Pinchback after 27 years in prison. He was released on May 12, 2011 and the Court of Criminal Appeals granted his state habeas corpus petition on June 8, 2011. Mr. Pinchback became the 42nd person exonerated by post-conviction DNA testing in Texas and the 7th person exonerated by TFID-funded projects.

## **Highlights from the FY 2011 annual reports from each of the innocence projects:**

### **Texas Tech University School of Law (Innocence Project of Texas)**

During the year, 21 law students worked a total of 4150 hours and 15 forensic science students worked a total of 1800 hours. These students worked with IPOT attorneys and the organization's intake coordinator to screen cases and investigate claims of actual innocence.

The clinic received a total of 1458 requests for review during FY11. Denials were sent to 1323 cases. This number is comprised of pre-questionnaire denials and post-screening denials, both from new requests and also for clearing a backlog of old cases. Questionnaires were sent to 548 individuals in an effort to learn more information about their cases. Of these, 404 were returned. We opened 47 new investigations and of those 47, 32 were closed within the fiscal year.

## **Innocence Project Grant Program**

Relief was granted in one case. Johnny Pinchback was exonerated by DNA evidence in Dallas County after serving more than 26 years for two aggravated sexual assaults that he did not commit. Two other DNA cases moved into the litigation phase during the fiscal year. In one Tarrant County case DNA testing revealed that the biological material in question did in fact belong to the inmate requesting assistance. A second case from Travis County is currently in testing and results are expected in 2012.

### **University of Houston Law Center (Texas Innocence Network)**

The Texas Innocence Network processed 913 requests for assistance and screened 213 inmate questionnaires during FY11. Twenty-three law students worked 1950 hours reviewing and investigating actual innocence claims in non-capital cases. Eighty-one new investigations were initiated and 116 cases were closed after investigation. Commission funding of a full-time staff attorney has allowed the project to completely clear its backlog at the intake and screening phases. Incoming mail is read and processed immediately upon receipt. Moreover, inmate questionnaires are now assigned for screening the day they are received.

### **Texas Southern University (Thurgood Marshall School of Law Innocence Project)**

The Thurgood Marshall School of Law Innocence Project processed 305 requests for assistance. Thirty law students dedicated more than 3500 hours investigating actual innocence claims. Forty-eight new investigations were initiated and 17 were completed, leaving 51 investigations open at the close of the fiscal year. Several cases are nearing the litigation phase at the close of the year.

### **University of Texas (Texas Center for Actual Innocence)**

The Texas Center for Actual Innocence processed 934 new requests for assistance during FY11 and screened 566 inmate questionnaires. Sixteen law students worked 986 hours and 10 journalism students worked 365 hours reviewing and investigating claims of actual innocence. 138 new investigations were initiated and 227 cases were closed after investigation. In Travis County, the students, project director and Center board members worked with prosecutors to review cases that were previously identified by the district attorney's office as DNA cases in which the inmate filed a Chapter 64 motion for DNA testing that was denied. As a result of this initial review, the project developed and prioritized a list of cases for further investigation.

# Grant Program

Since 2002, the Texas legislature has directed the Commission to provide technical support and grants to assist counties in improving their indigent defense systems and to promote compliance by counties with the requirements of state law relating to indigent defense.

The Commission has developed a grant policy over time that ensures what limited state funds are available for indigent defense are distributed across the entire state in a fair manner while promoting compliance and more effective services. As a result of this challenge, the grant policy has evolved into two distinct programs. One program provides formula-based grants to a wide range of counties throughout Texas. All counties in the state have benefited from this program. The other program offers counties an opportunity to apply for a competitive-based discretionary grant. The state and county or counties that have received these grants have benefitted considerably from these grants.

To receive a grant under either program, a county must demonstrate its commitment to compliance with the requirements of state law related to indigent defense. This is accomplished in part by submitting a locally-developed county plan that specifies how the county and courts will meet the minimum standards set by law in the areas of magistrate responsibilities, indigence determination, minimum attorney training, attorney appointment processes, and, where applicable, Commission-promulgated contract standards and policies. In addition, a county must also report its indigent defense appointments and expenditures to the Commission each year. A county, however, may not reduce the amount of funds provided for indigent defense services in the county because of funds provided by the Commission under either grant program.

**Formula-based grants** *include the following three types of grants:*

**Formula Grants.** The Commission distributes funds to counties through its population-based formula grant program. This funding is used to improve counties' indigent defense systems. The funds are allocated by a formula that sets a \$5,000 floor per grant, with the remaining portion of the grant based on a county's percentage of state population (estimated by the Texas Data Center in the preceding year or from the most current U.S. Census) multiplied by the Commission's remaining budgeted amount for formula grants. Counties must meet minimum spending requirements and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Commission to qualify for these funds.

**Direct Disbursement Grants.** Direct disbursement grants are a subset of formula grants tailored to give small counties that have a low incidence of crime and low indigent defense costs a way, if needed, to receive funding from the formula grant pool. Some small counties often do not have sufficient indigent defense expenses that qualify them to receive annual grant awards using the formula grant methodology, but they may have periodic need for funding. Rather than completing the formula grant application each year, counties seeking direct disbursement submit their expenses over the pre-established baseline amount directly to the Commission. If a county has indigent defense expenses above its baseline amount, that county is eligible to receive funding based on requirements set by the Commission, subject to the availability of funds.

## Grant Program

**Equalization Disbursement Grants.** Equalization disbursement grants provide additional state payments to counties with the lowest state disbursement compared to overall increased indigent defense costs. While the population-based formula grant program and direct disbursement grant program are designed to ensure that some funds are available to every Texas County, the equalization disbursement grant program distributes funds to counties based on the percentage of increased costs. The equalization disbursement grant program is used by the Commission when budget conditions are favorable and when disbursement will not adversely affect other funding methods. The Commission encourages counties to use this money to help pay for an indigent defense initiative or a project that otherwise may have remained unrealized without this additional funding. Equalization disbursement grants are subject to the availability of funds.

**The discretionary-based grants include the following four types of grants:**

**Discretionary Grants.** Discretionary grants are awarded on a competitive basis to assist counties in developing new, innovative programs or processes to improve the delivery of indigent defense services. A county can apply for a single-year or a multi-year grant. Single-year grants pay up to 100% of an awarded activity on a reimbursement basis. Multi-year grants require a cash match, and funding for a grant project may be made available for up to four years. Applications for discretionary grants are reviewed and scored by a select committee prior to presentation to the Grants and Reporting Committee and the full Commission. The types of programs identified as priorities by the Commission are programs that:

- provide direct services to indigent defendants;
- establish public defender offices;
- establish regional public defender offices;
- provide mental health defender services; and
- provide juvenile defender services.

**Extraordinary Disbursement Grants.** To compete for an extraordinary disbursement, a county must demonstrate that indigent defense expenses in the current or immediately preceding fiscal year constitute a financial hardship for the county. Each request is evaluated on a case-by-case basis against other requests and the amount of funds available, with \$100,000 historically being the maximum amount a county may receive. In past years issues such as hurricanes, capital murder cases and other types of cases impacted counties and made them eligible for extraordinary funding.

**Targeted Specific Grants.** The purpose of this grant is to promote compliance and provide a funding strategy to assist a county that has a finding of non-compliance. A county may request assistance to address specific finding identified in the review by the Commission or another entity. Staff will work with court and county officials to develop an action plan for the county to address the compliance issue related to the FDA.

**Technical Support Grants.** The purpose of this grant is to increase the knowledge base about indigent defense or establish a process or program that may be replicated by other jurisdictions to improve indigent defense services. The Commission will assist any county with technical support requests.

# Grants that are working around the state

## Bell County

Bell County engaged consultants to help complete a full assessment of its indigent defense processes. This led to the county to apply for and be awarded a \$397,150 FY11 discretionary grant from the Commission to develop a web-based indigent defense system to manage and track its compliance with the Fair Defense Act from arrest through payment of attorney fee vouchers. The software automates the attorney appointment wheel so that the next qualified attorney will be automatically appointed and provides immediate notice to the attorney, defendant and court staff. The system then tracks attorney compliance with requirements to promptly contact and meet with their clients, any grievances against an attorney, and other performance measurements. At the end of the case, the software will allow attorneys to submit their vouchers electronically to the judge; the judge may then review and approve it electronically and forward to the auditor's office that can submit it for payment and easily capture the data needed to fulfill state reporting requirements. These process improvements represent the state of the art in indigent defense with a much more streamlined and transparent process that can be replicated by counties across the state.

## Lubbock County

The Lubbock Special Needs Defender Office (LSNDO) was developed with a Commission discretionary grant to Lubbock County beginning in 2008 to address the challenges presented by mentally ill defendants in the criminal courts. A study funded in part by the Commission, [Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives](#), has shown that people with mental illness or disability benefit from specialized representation paired with case management services, while courts and counties also benefit from reduced recidivism and fewer court appearances. The program provides an attorney and case manager in a team approach to representing these defendants. The LSNDO services are provided under a contract with a local bar association that assigns cases to private attorneys and case managers on its staff in Texas' first managed assigned counsel system. After piloting it in the special needs area, Lubbock County is expanding the managed assigned counsel program to provide representation in all felony and misdemeanor cases. These programs are now codified in Texas Code of Criminal Procedure Article 26.047 as an option for providing indigent defense services and are discussed in the Policies and Standards section of this report.

### Lubbock Special Needs Defender Office Client Success Story

A 50-year-old male diagnosed with paranoid schizophrenia compounded by Tourette's syndrome had been incarcerated since April 2010. The LSNDO's caseworker researched and interviewed the client numerous times with no success because of his deteriorated condition. With perseverance and patience, and with the assistance of MHMR psychiatrists and the medical staff at the Lubbock County Detention Center, the client's competency was restored after court-ordered psychotropic medication was administered. As of the third quarter of 2011, the client was living in transitional housing and flourishing. If not for the trained private defender and a dedicated LSNDO case manager, this citizen might have languished indefinitely in the County jail. See more on the case from two Lubbock Avalanche-Journal articles in "[Mental Injustice: Inmate's mental capacity restored](#)" and "[Mentally ill languish in justice system.](#)"

# Conclusion

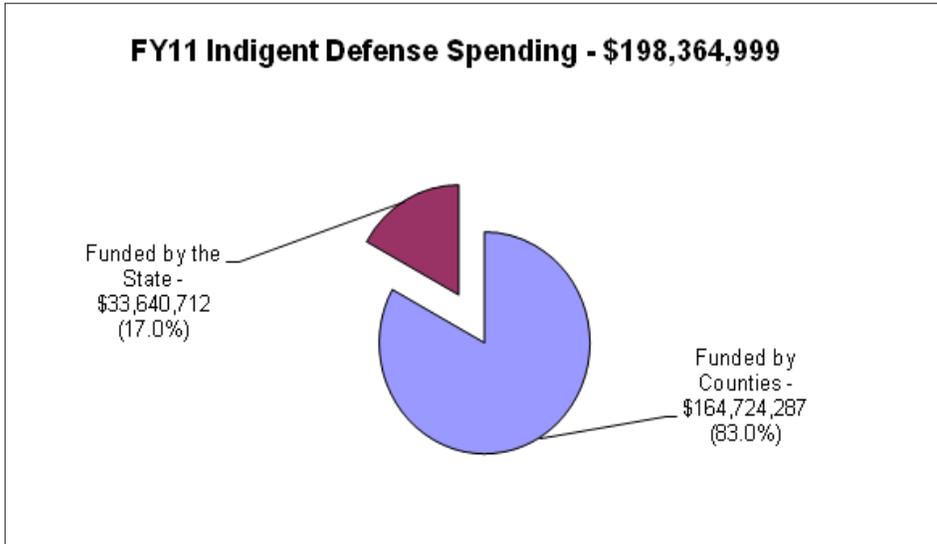
The Commission is proud to report on the great strides Texas has made in indigent defense since our program was created a decade ago. Through strong partnerships with local jurisdictions the Commission has helped counties uphold the Constitution and the Fair Defense Act by developing and supporting innovative indigent defense delivery systems that ensure quality representation, accountability and cost-effectiveness. We look forward to continuing our progress into our next decade.

# FY11 Expenditure Report

## FY09-FY11 State and County Spending on Indigent Defense

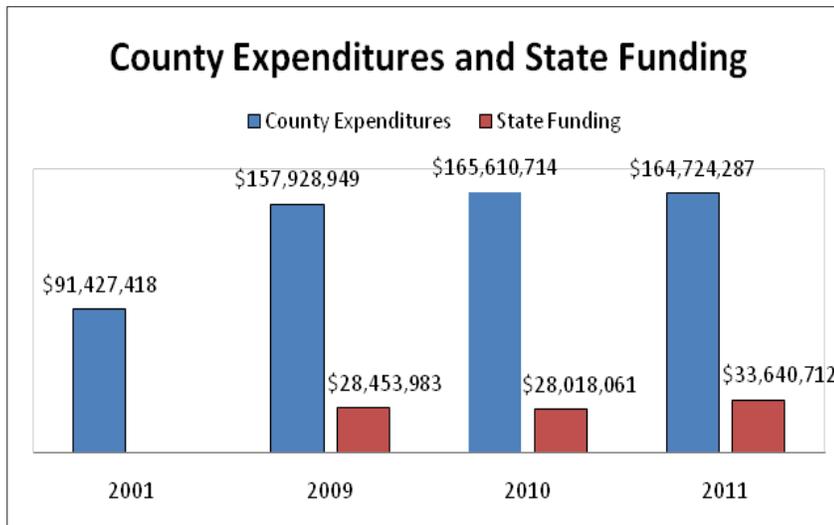
Total indigent defense expenditures in FY11 were of \$198,364,999. Of that amount counties funded \$164,724,287 and State through the Commission funded \$33,640,712 through its grants program. See **Chart 1** below.

**Chart 1**



The FY11 expenditures of \$198,364,999 is slight increase over FY10 recorded expenses of \$193,628,775 and FY09 recorded expenses of \$186,382,932. The Commission in FY10 provided funding in the amount of \$28,018,061 and 28,453,983 in FY09. See **Chart 2** below.

**Chart 2**

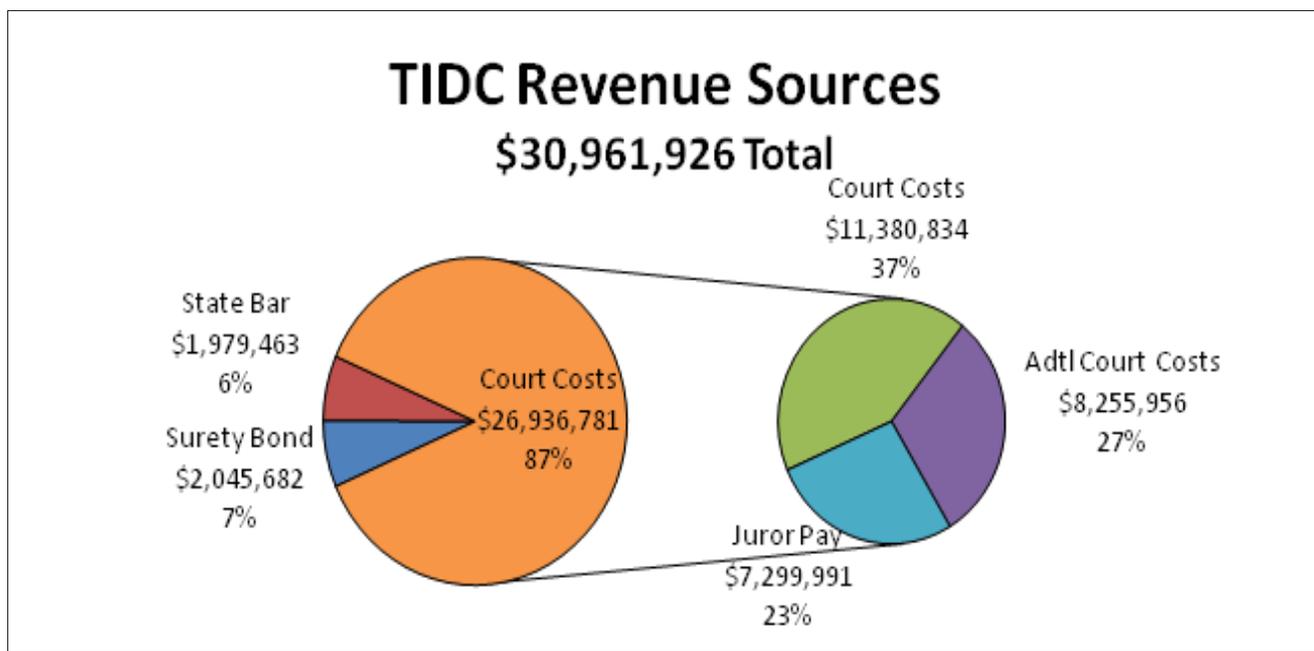


## Commission Revenue Sources

The primary source of funding for indigent defense in Texas is court costs and fees. The total revenue received by the Commission in FY11 from these sources was \$30,961,926. Court costs are largest source of revenue and are amounts paid by a defendant upon conviction for a range of offenses from fine only misdemeanors to felonies. This fiscal year, \$26,936,781 in total court costs was collected for the purpose of indigent defense.<sup>1</sup>

The Commission also receives funding from Surety Bond Fees and State Bar Fees. A \$15 fee is assessed when posting a surety bond (bail bond) and one-third goes to the Fair Defense Account and the remaining balance goes to support longevity pay for prosecutors. This year, the Commission received just over \$2 million from Surety Bond fees. A \$65 fee is also assessed by the State Bar of Texas as part of each attorney’s bar dues. One-half of the fees collected are allocated to the Fair Defense Account and this fiscal year the Commission received almost \$2 million from this fee. See **Chart 3** below.

**Chart 3**



While appropriated levels of funding for the Commission remained essentially flat compared to the previous biennium, two changes to the Commission’s appropriations were made by the 82nd Legislature that will negatively impact the amount of funds available for grants to counties. In previous sessions the Commission was given the authority to use any unexpended funds in the Fair Defense Account in the following biennium, also known as Unexpended Balance authority or UB. Due to the fact that the payment for the overage of juror pay court costs is not deposited into Fair Defense Account in the fiscal year that the funds are collected, the Commission was not afforded an opportunity to award in excess of \$7.2 million in FY11. Moreover, with the removal of UB authority, the Commission may not award these funds this year either. As a result, there is \$7,299,991 in the Fair Defense Account that may not be spent without direction from the legislature.

<sup>1</sup> Court costs are made of three different types of courts costs that have been implemented incrementally since the passage of the Fair Defense Act: original court costs, juror pay court costs, and an additional court costs.

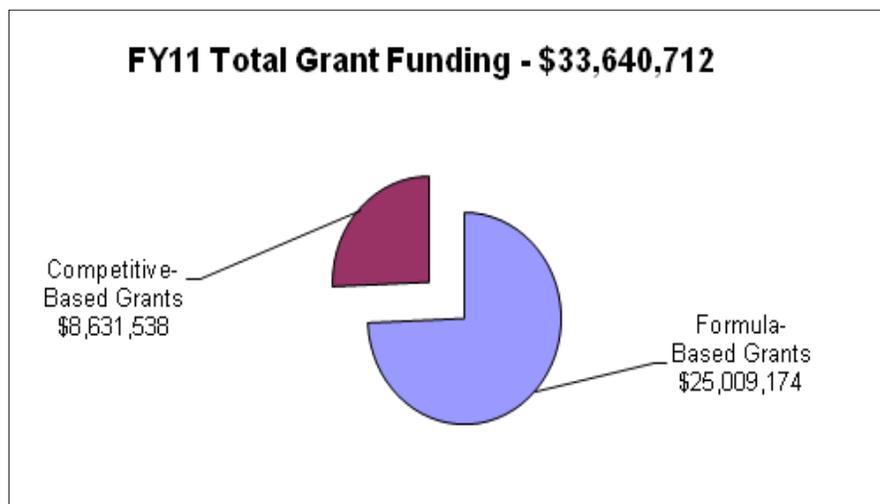
## Expenditure Report

Additionally, the Commission's appropriation was set at a sum certain amount rather than an estimated amount as it was in prior sessions. Because the funding sources for the Fair Defense Account include court fees and other sources that fluctuate from year to year there may be additional revenue deposited to the account that is unappropriated to the Commission and therefore unavailable for grants to counties. This amount may also increase due to the passage of HB 442 that increases the percentage of the original court cost allocation to the Fair Defense Account from 6.0143% to 8.0143%. Although the fiscal note for the bill indicated that the amount of revenue to the Fair Defense Account could not be estimated, based on prior collections this change has the potential to increase funding to the account by approximately \$4 million each year.

### Distribution of Funds by Type of Grant

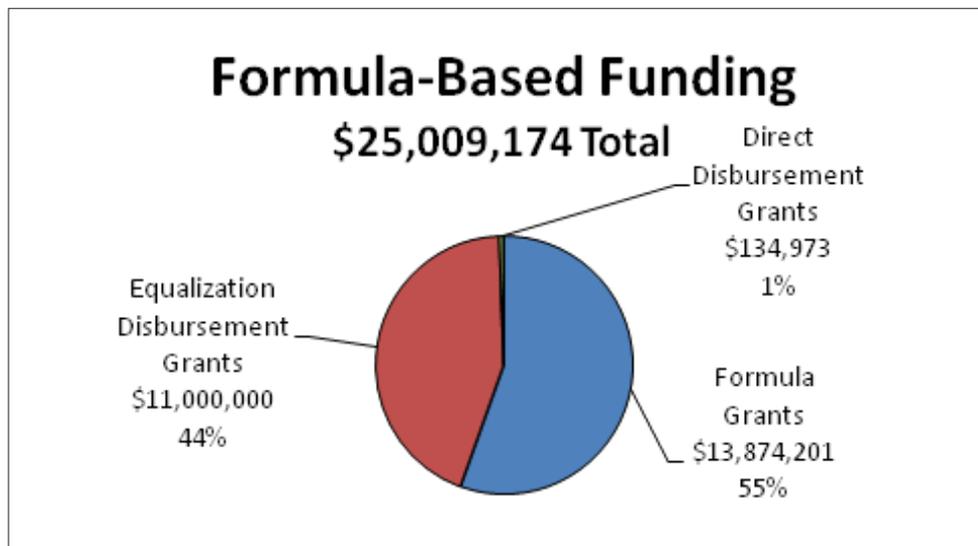
The Commission distributed \$25,009,174 for formula-based grants and \$8,631,538 for competitive-based discretionary grants bringing the total statewide distribution to \$33,640,712. **Chart 4** below illustrates the breakdown of funds between these categories:

Chart 4



Formula-based grants include three types of grants that are shown on **Chart 5** below.

Chart 5



## Expenditure Report

What follows is a detailed listing of funds disbursed by type of grant.

**Formula Grants.** In FY11, 219 counties received a formula grant. The total amount disbursed under this category was \$13,874,201. Formula grants represent just over 40 percent of total grant funding. **Table 1 in Appendix A** lists all counties that received a formula grant.

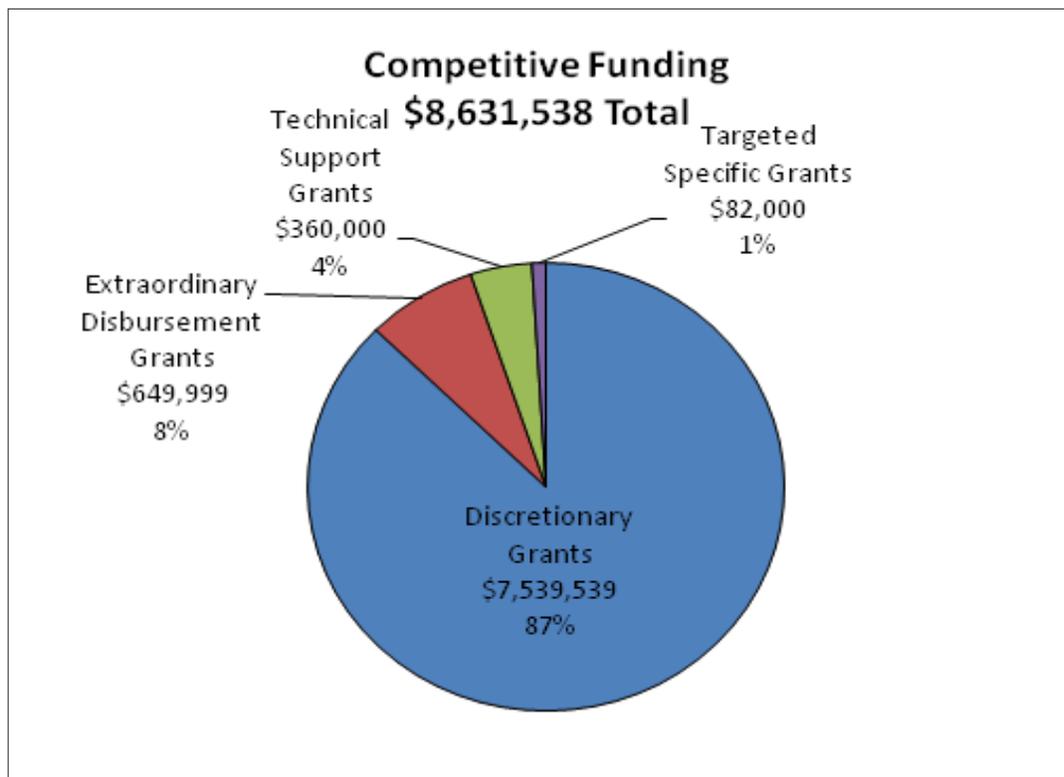
**Direct Disbursement Grants.** In FY11, 18 counties received a direct disbursement grant. The total amount disbursed under this category was \$134,973. This amount represents 0.4% of total grant funding. **Table 2 (right)** lists all counties that received a direct disbursement.

**Equalization Disbursement Grants.** In FY11, 111 counties received an equalization disbursement grant. The total amount disbursed under this category was \$11 million. This amount represents 32.8% of total grant funding. With this funding the Commission was able to reimburse every qualifying county for at least 24% of their increased indigent defense costs. The size of payments varied from \$107 to over \$2,000,000. **Table 3 in Appendix B** lists all counties that received an equalization disbursement grant.

**Competitive-based discretionary grants** include the four types of grants on **Chart 6** below.

County	Amount Disbursed
Armstrong	\$1,100
Borden	\$6,547
Briscoe	\$1,062
Cottle	\$5,755
Crockett	\$6,857
Dimmit	\$3,229
Fisher	\$834
Foard	\$2,773
Jeff Davis	\$4,708
Karnes	\$11,652
Kenedy	\$10,323
King	\$1,750
Lavaca	\$13,490
Live Oak	\$12,496
Nolan	\$11,614
Oldham	\$5,957
Starr	\$32,404
Stonewall	\$2,421
Total (18 counties)	\$134,973

**Chart 6**



## Expenditure Report

**Discretionary Grants.** In FY11, \$7,539,539 was disbursed to fund 12 discretionary grant programs, which represents 22.4% of total grant funding. A summary of awards and disbursements for each funded program is shown in **Table 4 below**.

<b>Table 4</b>			
<b>FY11 Discretionary Grants</b>			
<b>County</b>	<b>Program Title</b>	<b>Awarded</b>	<b>Disbursed</b>
Dickens	Caprock Regional Defender Office	\$566,701	\$489,730
Lubbock	Expansion of Regional Public Defender for Capital Cases	\$2,157,311	\$1,944,844
Harris	Public Defender Office	\$4,150,545	\$3,246,971
Montgomery	Regional Mental Health Court	\$547,400	\$89,519
	<b>Sub-Total (New Multi Year)</b>	<b>\$7,421,957</b>	<b>\$5,771,064</b>
Kaufman	Public Defender Initiative	\$3,505	
Travis	Mental Health Public Defender Office	\$73,506	\$73,506
Willacy	Public Defender Program	\$74,860	\$74,860
Bowie	Public Defender Initiative	\$199,173	\$174,276
Bee	Regional Public Defender	\$358,788	\$298,990
Lubbock	Mental Health Private Defender Program	\$193,680	\$192,874
Webb	Juvenile Public Defender	\$243,382	\$161,454
Fort Bend	Mental Health Public Defender Office	\$406,853	\$353,867
	<b>Sub-Total (Continued Multi Year)</b>	<b>\$1,553,747</b>	<b>\$1,329,827</b>
Bell	Web-based ID Monitor System	\$397,150	\$397,150
Taylor	Video Teleconference Program	\$41,498	\$41,498
	<b>Sub-Total (New Single Year)</b>	<b>\$438,648</b>	<b>\$438,648</b>
	<b>Total</b>	<b>\$9,414,847</b>	<b>\$7,539,539</b>

## Expenditure Report

**Extraordinary Disbursement Grants.** In FY11, the Commission distributed \$649,999 in extraordinary disbursement funding to six counties, which represents just under 2% of total grant funding. **Table 5 at right** details the funds disbursed under this program.

**Technical Support Grants.** In FY11, the Commission disbursed \$360,000 to two counties under this program. Bell County received \$285,000 to create a new program to provide training and mentoring to attorneys on the appointment list and to develop a system to evaluate the attorneys. Fort Bend County received \$75,000 to evaluate the Fort Bend Mental Health Public Defender Office, which was funded through a discretionary grant from the Commission.

<b>County</b>	<b>Requested Amount</b>	<b>Amount Disbursed</b>
Burleson	\$149,378	\$146,426
Cass	\$200,000	\$148,113
Harrison	\$100,000	\$98,024
Palo Pinto	\$110,889	\$99,589
Ward	\$75,019	\$66,662
Wood	\$105,463	\$91,185
<b>Total</b>	<b>\$740,749</b>	<b>\$649,999</b>

**Targeted Specific Grants.** In FY11, the Commission disbursed \$82,000 to Cameron County under this program to assist in developing indigent defense modules to their adult case management system. This was needed to help the county track attorney appointments and to assure that such appointments are timely.

## Innocence Projects

In addition to its core mission of supporting county indigent defense systems, the Commission also administers legislatively directed grants to Texas public law schools to operate innocence projects. These projects organize law students who work with experienced attorneys to review claims of actual innocence from Texas inmates. For the FY10-11 biennium the Texas Legislature made available \$800,000, or \$100,000 per law school per year. For the FY12-13 biennium, the legislature has appropriated \$640,000, or \$80,000 per law school per year.

In its 6th year this program continued to achieve results both educational and legal. During FY11, 115 students worked more than 12,000 hours reviewing and investigating claims of actual innocence in both DNA and non-DNA cases. The projects processed 3613 requests for assistance, screened 1183 inmate questionnaires, initiated 314 new investigations, and completed 392 investigations. Four cases entered litigation and one client was formally exonerated.

### CJD Grant for Innocence Project Coordination and Investigations

Thanks to a grant from the Governor's Criminal Justice Division in the amount of \$300,000 the Commission was able to provide supplemental funding to the innocence projects and bring on a new staff person dedicated to administration, oversight and coordination of the innocence project grant program. Having dedicated staff has made possible increased program oversight and coordination, and the putting in place of new requirements for program evaluation to assess the impact of state resources.

## Expenditure Report

### FY 11 TIDC Operating Budget

This fiscal year, the Commission expended \$858,186 for administrative costs from the Fair Defense Account. Administrative costs represent 2.4% of the total amount expended. These expenses included salaries for ten full-time staff, travel for board members and staff, an online data system that provides public access of county indigent defense plans and expenditures through the internet, and other administrative functions as shown in **Table 6** below.

**Table 6: FY11 Operating Budget**

Budget Category	FY11 Expended Total	FY10 Comparative Total
Salaries & Wages	\$634,855	\$595,791
Other Personnel Cost	\$24,560	\$12,920
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees & Services	\$223	\$2,987
In-State Travel	\$32,836	\$34,295
Out-of-State Travel	\$4,698	\$3,889
Training	\$1,758	\$2,270
Postage	\$4,161	\$2,187
Materials & Supplies	\$8,592	\$11,771
Printing & Reproduction	\$1,305	\$1,244
Maintenance & Repairs	\$148	\$6,887
Telecommunications	\$9,051	\$10,640
Rentals & Leases	\$3,261	\$3,344
Other Operating Expenses	\$162,448	\$161,534
Office of Capital Writs (OCW)	\$548,915	
Innocence Project	\$377,586	\$340,461
CJD / SJI Grant <sup>(1)</sup>	\$78,772	\$92,662
Formula Grant <sup>(2)</sup>	\$13,874,201	\$11,691,943
Discretionary Grant <sup>(3)</sup>	\$7,539,539	\$3,089,149
Equalization Disbursement	\$11,000,000	\$12,000,000
Extraordinary Disbursement	\$649,999	\$749,373
Direct Disbursement	\$134,973	\$200,283
Technical Assistance/Targeted Specific	\$522,414	\$357,103
Capital Outlay	\$0	\$0
<b>Total</b>	<b>\$35,616,349</b>	<b>\$29,372,785</b>
Method of Finance Category	FY11 Method of Finance	FY10 Method of Finance
Court Costs	\$11,380,834	\$11,755,445
New Court Costs	\$8,255,956	\$8,316,501
Surety Bond Fee	\$2,045,682	\$2,096,202
State Bar Fee	\$1,979,463	\$2,229,670
Juror Pay Fee	\$7,299,991	\$7,105,256
Interagency Contract	\$78,772	
<b>Total Revenue</b>	<b>\$31,040,698</b>	<b>\$31,503,074</b>
FY09 Carryover Revenue		\$7,869,763
FY10 Carryover Revenue	\$11,875,642	(\$10,000,052)
FY11 Juror Pay Fee <sup>(4)</sup>	(\$7,299,991)	
<b>Total MOF</b>	<b>\$35,616,349</b>	<b>\$29,372,785</b>
<sup>(1)</sup> Research project partially funded with grant from State Justice Institute. Innocence Project supplemental funding provided with grant from Governor's Criminal Justice Division (CJD).		
<sup>(2)</sup> The actual amount expended for FY10 Formula Grants totaled \$11,613,651		
<sup>(3)</sup> The actual amount expended for FY10 Discretionary Grants totaled \$2,724,679.		
<sup>(4)</sup> FY11 Juror Pay revenue in the amount of \$7,299,991 will not be expended this fiscal year.		

## Appendix A - FY11 Formula Grants

<b>Table 1 - FY11 Formula Grants</b>	
<b>County</b>	<b>Amount Disbursed</b>
Anderson	\$34,586
Andrews	\$12,443
Angelina	\$49,128
Aransas	\$18,282
Archer	\$9,931
Atascosa	\$28,149
Austin	\$19,507
Bandera	\$15,662
Bastrop	\$44,202
Baylor	\$7,065
Bee	\$22,577
Bell	\$156,898
Bexar	\$873,447
Blanco	\$4,215
Bosque	\$14,680
Bowie	\$53,901
Brazoria	\$166,655
Brazos	\$98,743
Brewster	\$9,917
Brooks	\$9,106
Brown	\$25,528
Burleson	\$14,513
Burnet	\$28,043
Caldwell	\$24,305
Calhoun	\$15,899
Callahan	\$12,318
Cameron	\$214,117
Camp	\$11,842
Carson	\$8,360
Cass	\$21,044
Castro	\$3,559
Chambers	\$22,406
Cherokee	\$31,011
Childress	\$7,009
Clay	\$10,862
Coke	\$7,021
Coleman	\$9,592
Collin	\$410,804
Collingsworth	\$6,603
Colorado	\$16,427
Comal	\$63,772
Comanche	\$12,525
Concho	\$6,972
Cooke	\$25,918
Coryell	\$45,359
Crane	\$7,166
Crosby	\$8,179

Dallam	\$8,360
Dallas	\$1,261,794
Dawson	\$12,269
Deaf Smith	\$14,845
Delta	\$5,628
Denton	\$344,877
De Witt	\$15,650
Donley	\$7,086
Duval	\$11,466
Eastland	\$14,621
Ector	\$74,231
Edwards	\$5,036
El Paso	\$397,358
Ellis	\$84,556
Erath	\$23,519
Falls	\$14,191
Fannin	\$23,204
Fayette	\$17,838
Fort Bend	\$294,301
Franklin	\$10,586
Freestone	\$15,400
Frio	\$13,654
Gaines	\$13,215
Galveston	\$157,185
Garza	\$7,656
Gillespie	\$17,719
Goliad	\$8,322
Gonzales	\$15,080
Gray	\$17,059
Grayson	\$67,251
Gregg	\$66,915
Grimes	\$18,582
Guadalupe	\$68,086
Hale	\$23,489
Hall	\$6,875
Hamilton	\$9,592
Hansford	\$545
Hardeman	\$7,262
Hardin	\$32,540
Harris	\$2,127,795
Harrison	\$39,085
Hartley	\$8,078
Haskell	\$7,949
Hays	\$84,452
Hemphill	\$6,866
Henderson	\$46,345
Hidalgo	\$390,720
Hill	\$23,958
Hockley	\$16,718

Hood	\$32,000
Hopkins	\$22,893
Houston	\$17,428
Howard	\$22,539
Hudspeth	\$6,766
Hunt	\$49,534
Hutchinson	\$16,856
Irion	\$5,912
Jack	\$9,289
Jackson	\$12,894
Jasper	\$23,773
Jefferson	\$133,912
Jim Wells	\$26,634
Johnson	\$87,509
Jones	\$15,722
Kaufman	\$59,182
Kendall	\$22,680
Kent	\$4,095
Kerr	\$30,274
Kimble	\$7,433
Kleberg	\$21,100
Knox	\$3,682
Lamar	\$31,433
Lamb	\$12,626
Lampasas	\$16,072
Lee	\$14,025
Leon	\$13,811
Liberty	\$46,069
Limestone	\$16,878
Lipscomb	\$6,686
Llano	\$15,210
Loving	\$5,030
Lubbock	\$145,818
Lynn	\$8,152
Madison	\$12,214
Marion	\$10,580
Martin	\$6,100
Mason	\$7,016
Matagorda	\$24,948
Maverick	\$33,028
McCulloch	\$9,295
McLennan	\$125,259
Medina	\$28,385
Menard	\$6,240
Midland	\$73,209
Milam	\$18,417
Mills	\$7,790
Mitchell	\$10,055
Montague	\$15,499

Continued on next page

## Appendix A - FY11 Formula Grants

Montgomery	\$234,839
Moore	\$15,798
Morris	\$11,809
Nacogdoches	\$38,258
Navarro	\$31,171
Newton	\$12,632
Nueces	\$173,677
Ochiltree	\$10,143
Orange	\$48,966
Palo Pinto	\$19,560
Panola	\$17,182
Parker	\$64,863
Parmer	\$10,039
Pecos	\$9,295
Polk	\$29,190
Potter	\$68,880
Randall	\$66,270
Reagan	\$6,705
Real	\$5,684
Red River	\$12,082
Reeves	\$10,933
Refugio	\$8,892
Robertson	\$13,421
Rockwall	\$46,409
Runnels	\$10,645
Rusk	\$30,644
Sabine	\$10,520
San Augustine	\$9,747
San Jacinto	\$18,407
San Patricio	\$41,246
Scurry	\$13,606
Shackelford	\$6,765
Shelby	\$18,867
Sherman	\$6,662
Smith	\$110,706
Somervell	\$9,323
Stephens	\$10,125
Sterling	\$5,661
Sutton	\$7,301
Swisher	\$9,190
Tarrant	\$939,091
Taylor	\$72,752
Terrell	\$5,545
Terry	\$11,376
Titus	\$21,081
Tom Green	\$60,256
Travis	\$533,825
Trinity	\$12,565
Tyler	\$16,110
Upshur	\$25,096
Upton	\$6,727

Uvalde	\$18,485
Val Verde	\$19,475
Van Zandt	\$32,467
Victoria	\$51,085
Walker	\$39,330
Waller	\$25,551
Ward	\$10,602
Washington	\$22,079
Webb	\$129,791
Wharton	\$27,637
Wheeler	\$7,717
Wichita	\$73,263
Wilbarger	\$12,606
Willacy	\$16,122
Williamson	\$218,812
Wilson	\$26,831
Winkler	\$8,719
Wise	\$36,292
Wood	\$27,364
Yoakum	\$8,985
Young	\$14,670
Zapata	\$12,532
Zavala	\$11,271
	\$13,874,200

## Appendix B - FY11 Equalization Disbursements

Table 3	
FY11 Equalization Disbursement	
County	Amount Disbursed
Anderson	\$22,220
Angelina	\$22,624
Atascosa	\$27,206
Austin	\$31,660
Bastrop	\$52,047
Bell	\$122,713
Bexar	\$1,118,045
Brazoria	\$97,301
Brooks	\$11,320
Brown	\$66,376
Burleson	\$59,465
Burnet	\$31,536
Callahan	\$1,973
Camp	\$4,902
Carson	\$3,444
Cass	\$43,496
Comal	\$556
Comanche	\$9,383
Concho	\$326
Coryell	\$4,410
Crockett	\$11,421
Dallas	\$345,140
Denton	\$35,766
Eastland	\$23,581
El Paso	\$684,056
Ellis	\$79,811
Fayette	\$6,282
Fort Bend	\$43,427
Freestone	\$35,267
Frio	\$5,626
Galveston	\$168,912
Goliad	\$796
Gonzales	\$6,351
Gray	\$24,414
Grayson	\$14,873
Gregg	\$44,939

Grimes	\$8,655
Guadalupe	\$30,518
Hardin	\$34,276
Harris	\$2,108,455
Harrison	\$2,351
Hartley	\$3,539
Hays	\$17,472
Henderson	\$58,518
Hidalgo	\$879,445
Hood	\$35,057
Houston	\$37,235
Hunt	\$204,743
Hutchinson	\$2,855
Jackson	\$22,655
Jasper	\$28,376
Jefferson	\$20,988
Johnson	\$70,695
Kaufman	\$54,430
Kendall	\$8,316
Kenedy	\$5,537
Kerr	\$27,279
Kimble	\$1,315
Kleberg	\$10,676
La Salle	\$4,097
Lamar	\$49,337
Liberty	\$90,448
Limestone	\$20,258
McLennan	\$217,849
Medina	\$1,309
Montague	\$5,976
Montgomery	\$653,589
Moore	\$13,459
Morris	\$1,674
Nacogdoches	\$17,184
Navarro	\$33,699
Nueces	\$289,811
Ochiltree	\$2,473
Palo Pinto	\$19,000
Panola	\$2,294
Parker	\$102,904

Pecos	\$26,139
Polk	\$41,554
Potter	\$30,908
Reagan	\$3,272
Reeves	\$1,050
Robertson	\$15,225
Rockwall	\$4,082
Rusk	\$118,304
Sabine	\$2,050
San Augustine	\$5,765
San Jacinto	\$4,367
Smith	\$106,527
Stephens	\$2,483
Sutton	\$9,020
Tarrant	\$951,041
Taylor	\$140,285
Terrell	\$312
Throckmorton	\$107
Titus	\$23,999
Travis	\$520,406
Trinity	\$6,111
Upshur	\$16,587
Van Zandt	\$2,419
Victoria	\$61,652
Walker	\$113,247
Waller	\$27,108
Ward	\$13,620
Washington	\$777
Wichita	\$107,278
Williamson	\$97,779
Wilson	\$1,861
Winkler	\$193
Wise	\$40,440
Wood	\$22,490
Young	\$20,230
	\$11,000,000

# Current Members of the Texas Indigent Defense Commission (formerly Task Force on Indigent Defense)



The Honorable  
**Sharon Keller**  
Chair of the Commission  
Presiding Judge, Texas  
Court of Criminal Appeals  
(2002-current)



The Honorable  
**Olen Underwood**  
Vice-chair of the  
Commission  
Presiding Judge, 2nd  
Administrative Judicial  
Region, Appointed by  
Governor Perry  
(2002-current)



The Honorable  
**Roberto Alonzo**  
Member, Texas  
Judicial Council,  
House of  
Representatives  
(2009-current)



The Honorable  
**Jon Burrows**  
Bell County Judge,  
Appointed by  
Governor Perry  
(2002-current)



The Honorable  
**Alfonso Charles**  
District Judge, 124th  
District, Texas Judicial  
Council  
(2008-2011)



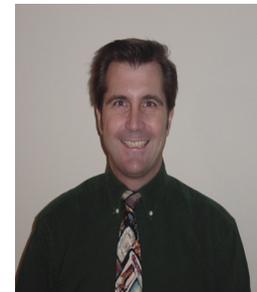
**Mr. Knox Fitzpatrick**  
Chair of Policies and  
Standards Committee  
Criminal Defense Lawyer,  
Appointed by Governor Perry  
(2002-current)



The Honorable  
**Pete Gallego**  
Member, Texas Judicial  
Council, House of  
Representatives  
(2002-2003)  
Chair, House Criminal  
Jurisprudence Committee,  
House of Representatives  
(2009-current)



The Honorable  
**Wallace B. Jefferson**  
Chief Justice, Texas  
Supreme Court  
(2003-current)



**Mr. Tony Odiorne**  
Public Defender, Appointed  
by Governor Perry  
(2005-current)



The Honorable  
**Sherry Radack**  
Chief Justice, First Court  
of Appeal, Texas Judicial  
Council, Appointed by  
Governor Perry  
(2005-current)



The Honorable  
**Jeff Wentworth**  
Member, Texas Judicial  
Council, Texas Senate  
(2005-current)



The Honorable  
**Glen Whitley**  
Chair of Grants and Reporting  
Committee  
County Judge, Tarrant County,  
Appointed by Governor Perry  
(2002-current)



The Honorable  
**John Whitmire**  
Chair, Criminal Justice  
Committee, Texas  
Senate  
(2003-current)

# Former Members of the Texas Indigent Defense Commission (formerly Task Force on Indigent Defense)



The Honorable  
**Ken Armbrister**  
Chair, Senate  
Criminal Justice  
Committee, Texas  
Senate  
(2002-2003)



**Mr. Eduardo Arredondo**  
Public Defender, Burnet  
County, Appointed by  
Governor Perry  
(2002-2005)



The Honorable  
**Robert Duncan**  
Member, Texas Judicial  
Council, Texas Senate  
(2002-2003)



The Honorable  
**Chris Harris**  
Member, Texas Judicial  
Council, Texas Senate  
(2003-2005)



The Honorable  
**Juan Hinojosa**  
Chair, House Criminal  
Jurisprudence  
Committee, House of  
Representatives  
(2002-2003)



The Honorable  
**Terry Keel**  
Chair, House Criminal  
Jurisprudence  
Committee, House of  
Representatives  
(2003-2007)



The Honorable  
**Ann McClure**  
Chief Justice, Eighth  
Court of Appeals,  
Texas Judicial  
Council, Appointed  
by Governor Perry  
(2002-2005)



The Honorable  
**Orlanda Naranjo**  
Judge, Travis County Court  
at Law #2, Texas Judicial  
Council, Appointed by  
Governor Perry  
(2002-2008)



The Honorable  
**Aaron Pena**  
Chair, House Criminal  
Jurisprudence Committee,  
House of Representatives  
(2007-2009)



The Honorable  
**Thomas Phillips**  
Chief Justice, Texas  
Supreme Court  
(2002-2003)



The Honorable  
**Todd Smith**  
Member, Texas Judicial  
Council, House of  
Representatives  
(2003-2009)

# Staff for the Texas Indigent Defense Commission



**James D. Bethke**  
Executive Director  
(2002-current)



**Edwin Colfax**  
Project Manager  
(2010-current)



**Carol Conner**  
Fiscal Monitor  
(2004-current)



**Dominic Gonzales**  
Grant Program Specialist  
(2009-current)



**Marissa Kubinski**  
Administrative Assistant  
(2010-current)



**Joel Lieurance**  
Program Monitor  
(2006-current)



**Wesley Shackelford**  
Deputy Director/Special  
Counsel  
(2002-current)



**Terri Tuttle**  
Executive Assistant/  
Project Manager  
(2002-current)



**Sharon Whitfield**  
Budget and Accounting Analyst  
(2002-current)



**Jennifer Willyard**  
Research Specialist  
(2009-current)



**Bryan Wilson**  
Grants Administrator  
(2002-2007, 2009-current)