



West Texas Regional Capital Public Defender Office Team
Unparalleled level of cooperation among local governments

Texas Task Force on Indigent Defense 2009 Annual and Expenditure Report



TEXAS TASK FORCE ON INDIGENT DEFENSE

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Region of Texas

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Honorable Wallace Jefferson
Honorable Alfonso Charles
Honorable Aaron Peña
Honorable Pete Gallego
Honorable Sherry Radack
Honorable Todd Smith
Honorable Jeff Wentworth
Honorable John Whitmire

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

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Front cover pictured: back row left to right: Albert Miraval, Rob Cowie, Dennis Reeves, Ray Keith, Sandra Collett, Anthony Odiorne, Jack Stoffregen Front row left to right: Deborah Williamson, Rusty Wall, Sarah Molzow, Elaine Nauert

January 11, 2010

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

Dear Gentlemen:

It is our privilege to submit a report concerning the duties, activities and accomplishments of the Texas Task Force on Indigent Defense for the fiscal year ending August 31, 2009. Because of the efforts of the Task Force in collaboration with local jurisdictions, Texas is becoming known as a national leader in indigent defense programs. Texas Courts are upholding the Constitution under the Fair Defense Act of 2001 by making proactive differences in delivery systems by establishing public defender offices when it makes sense to do so and by implementing changes based on evidence-based practices that continue to improve the criminal justice system overall in Texas. This report will demonstrate how the local jurisdictions with assistance by this Task Force are achieving successful results.

First and foremost, our success is due to local government doing its part and more. With the support of the Texas Legislature, the Office of the Governor, county government, and the judiciary, the Task Force will continue its statewide exchange of ideas with both the public and the private stakeholders concerning indigent defense. During the past year, as outlined in the following pages of this report, much of this dialogue has been turned into deliverables.

Sincerely,

Sharon Keller



Executive Summary

Overview

FY 2009 marks the eighth fiscal 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 an organization to oversee the provision of indigent defense services in Texas, the Texas Task Force on Indigent Defense (Task Force), a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties' compliance with policies and standards. The program is led by the Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals. The Task Force is a body of thirteen appointed and ex-officio members supported by seven full-time staff members.

The mission of the Task Force is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to state, local judicial, county and municipal officials. That mission supports the ultimate purpose of the Task Force, which is to promote justice and fairness to all indigent persons accused of criminal conduct, while doing so in a cost-effective manner that also meets the needs of the local community.

Local Control

The Task Force 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 Task Force applies evidence-based research to its mission and strategies. By deploying an evidence-based practice strategy, the Task Force is able to provide local and state officials with solid information to make informed decisions about indigent defense practices. This approach places the 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.

Highlights

There were many meaningful accomplishments and significant developments, but to highlight just a few:

Indigent Defense-related Legislation

Two bills related to indigent defense were passed by the 81st Legislature and signed into law by the Governor in 2009. One of the bills, HB 2058, was a proposal recommended by the Task Force and Texas Judicial Council that creates separate standards for appellate lead counsel in a capital case. It will permit highly skilled appellate attorneys to represent defendants on appeal without having to meet the requirements for trial counsel, which includes extensive trial experience that appellate lawyers often do not have. The second bill, SB 1091, creates the Office of Capital Writs. This state office will provide legal representation to indigent capital

murder defendants in state writ of habeas corpus proceedings following a sentence of death. The legislature also provided significant funding for indigent defense services totaling just under \$30 million for each year of the FY2010-11 biennium. Three other recommended proposals contained in SB 625 and SB 1710 made significant progress but died on the House calendar in the waning days of session. For a full update on the 81st Legislature, including indigent defense-related bills that did not pass, visit the website [here](#).¹

Bill Summaries

HB 2058 by Gallego / Sponsor Sen. Seliger: HB 2058 is a Task Force proposal that creates separate standards for appellate lead counsel in a capital case that is modeled on those currently provided for counsel in the trial of a capital case under Art. 26.052, Code of Criminal Procedure. The bill requires each of the state's nine local selection committees to amend its standards to conform to the new requirements within 75 days of September 1, 2009. It permits highly skilled appellate attorneys to represent defendants on appeal without having to meet the current requirements, which include extensive trial experience appellate lawyers may not have.

SB 1091 by Ellis / Sponsor Rep. Gallego: SB 1091 creates the Office of Capital Writs to provide legal representation for indigent capital murder defendants who were sentenced to death and were appointed counsel for a state writ of habeas corpus. Courts are required to appoint the office to represent indigent capital defendants for habeas writs unless specific conditions are met (e.g. conflict of interest). If the office does not accept the appointment or is prohibited from accepting the appointment, the convicting court will be required to appoint an attorney from a list of competent counsel that is maintained by the presiding judges of the nine administrative judicial regions, rather than the Court of Criminal Appeals that had this duty. The bill also creates a Capital Writs Committee appointed by the State Bar of Texas president to recommend candidates for director of the capital writs office. The director is to be appointed by the Court of Criminal Appeals no later than September 1, 2010.

Funding

The existing funding streams were continued by the legislature, including court costs, legal services fees collected through the State Bar of Texas, surety bond fee, and surplus juror pay funding. The estimated amount of revenue is just under \$30 million each year of the FY 2010-11 biennium. The legislature also continued funding for innocence projects in the four public law schools of up to \$100,000 per year per school. The funding for the Task Force is contained within the Office of Court Administration's budget in Article IV of the bill.

Report of the National Right to Counsel Committee

On April 14th, 2009, the Constitution Project's National Right to Counsel Committee released its much-anticipated report, *Justice Denied: America's Continuing Neglect of our Constitutional Right to Counsel*. The report details the endemic and systemic challenges of the indigent defense system and recommends twenty-two specific reforms. The full report and other relevant materials are available online at <http://tcpjusticedenied.org>. See the [response](#)² to the

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/Legislative81.asp>

² URL for hard copy reference: http://www.courts.state.tx.us/tfid/pdf/051209response_FINAL.pdf

[Texas Legislature](#)³ prepared by the Director of the Task Force, on how Texas compares to the recommendations listed in the report. One of the two reporters for this publication was the FY 2009 Dawson Award recipient, Robert Spangenberg, as noted later in this report.

Task Force Director Attends American Council of Chief Defenders in D.C.

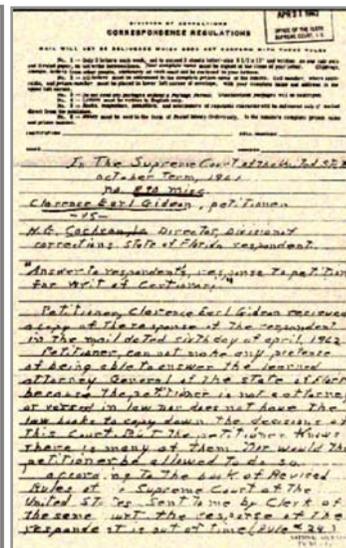
In June the Director attended the American Council of Chief Defenders meeting in Washington, D.C., at which time the federal government indicated a renewed focus on indigent defense. It is encouraging that the federal government is once again engaging in dialogue about what can and will be done to better protect citizens' right to counsel under the Constitution. See Attorney General Eric Holder's remarks at that gathering in Appendix A.

Increasing Quality of Representation through Public Defender Offices

Public defender offices are spreading across the state. In 2001, only seven counties had some form of public defender office in operation. By 2009, there were 16 public defender offices that had either been awarded a grant or were in full operation in Texas. In total, these programs serve 91 counties across the state. In FY 2009 the Task Force awarded Fort Bend County just over \$500,000 to establish a mental health public defender office to serve indigent defendants with mental illness. The new program will be modeled after the first such program established in the nation in Travis County. Staffed with attorneys, case workers and social workers, the office will represent defendants with mental illness in misdemeanor cases. The program will help connect clients to available services and treatment options. The office also will seek solutions to get and keep defendants with mental illness out of the criminal justice system.

46th Anniversary of Gideon. 46 years ago the U.S. Supreme Court handed down the remarkable decision in the case of *Gideon v. Wainwright*, in which a poor Florida prison inmate brought about a tectonic change in the U.S. criminal justice system. Justice Hugo Black wrote for the court: "In our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. . . lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

As Attorney General Robert Kennedy once said, "The poor man charged with crime has no lobby." Fair trials are only possible when everyone, regardless of income, has meaningful access to adequate and capable counsel. Ensuring fairness in criminal trials is the responsibility of everyone.



Gideon's handwritten petition (page one) to the Supreme Court

³ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/Right%20to%20Counsel%20Report%20ltr.pdf>



In FY 2009 The Spangenberg Project completed an [evaluation of the Bexar and Hidalgo Public Defender Offices](#).⁴ Highlights from the two evaluations show that persons are spending less time in jail, the quality of representation is better and more persons are being served.

Also in FY 2009, Harris County announced its intention to form a study group to determine the feasibility of a public defender office, and the Director of the Task Force participated in that group. That county is currently considering how to implement the program.

The West Texas Regional Capital Public Defender Office (funded by a multi-year discretionary grant by the Task Force that began in FY 2008) was recognized nationally when Lubbock County, on behalf of the 70 participating counties in the 7th and 9th Administrative Judicial Regions, received a 2009 Achievement Award from the National Association of Counties. The program won not only an Achievement Award, but also the Best of Category Award in the Criminal Justice and Public Safety categories. There were only 20 categories and 20 Best of Category Awards given nationwide.

Public Defender Offices in Texas as of FY 2009:

1. Bee (regional trial and includes Live Oak, McMullen)
2. Bexar (appellate)
3. Bowie (regional trial and includes Red River)
4. Cameron (juvenile only)
5. Colorado
6. Dallas (mental health also)
7. El Paso (mental health also)
8. Fort Bend (mental health only)
9. Hidalgo (misdemeanor)
10. Kaufman
11. Lubbock (West Texas regional capital serving 70 counties and Lubbock mental health)
12. Travis (juvenile and mental health only)
13. Val Verde (regional trial includes Edwards Kinney, Terrell)
14. Webb (juvenile also)
15. Wichita
16. Willacy

Front Cover: West Texas Regional Capital Public Defender Office Recognized Nationally

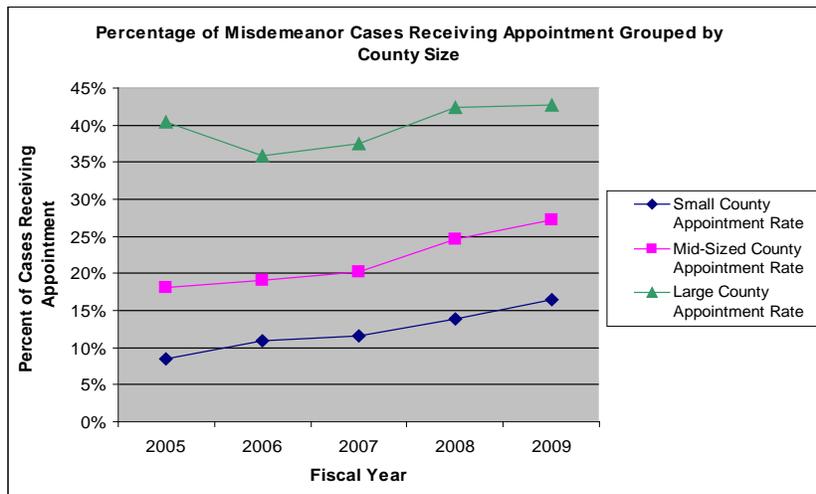
Earlier this year, counties in the 7th and 9th Administrative Judicial Regions were awarded 2009 Achievement Awards from the National Association of Counties. The office was also recognized as a “best” new program by the Texas Association of Counties. The front cover of this annual report has a photograph of all staff in the West Texas Regional Capital Public Defender Office. Copies of the awards and Lubbock County’s press release may be seen at Appendix B.



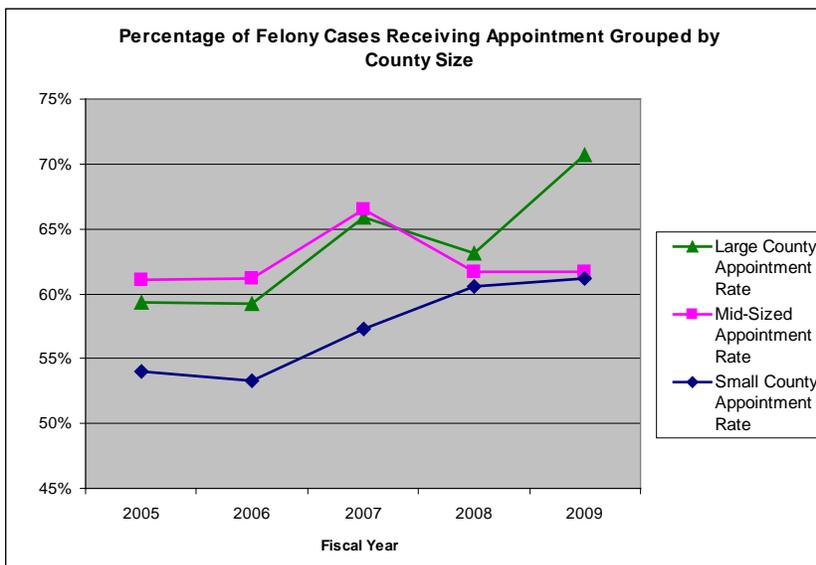
⁴ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/Bexar%20&%20Hidalgo%20Final%20Report%205-27-09.pdf>

Indigent Defense Appointment Trends

Jurisdictions are required to appoint counsel for qualified indigent defendants that have not waived the right to counsel in all felony and Class A and Class B misdemeanor cases. Large counties tend to appoint a greater percentage of attorneys to misdemeanor cases than either small or mid-sized counties, but within each group the attorney appointment rate has steadily increased over the last five years. (Small counties are those counties with a census population under 50,000. Mid-sized counties are between 50,000 and 249,999. Large Counties have a census population of at least 250,000.) Misdemeanor appointment rates have not yet begun to converge together toward an average rate of appointment, but the Task Force views the upward trends in all counties as a positive sign for access to justice.



For felonies, the percentage of persons receiving appointed counsel in counties of all sizes has shown signs of converging toward the state-wide average rate of appointment. Whether a defendant is being prosecuted in a large, mid-sized, or small county does not appear to affect the likelihood of receiving appointed counsel.



Looking Ahead

The Task Force and staff converged for a strategic planning session last year to take stock of the progress of indigent defense policies in Texas and to chart a strategic vision to guide further improvements. The Strategic Plan 2008-2012 presents the results of this effort and is available [online](#).⁵

The challenges ahead involve three distinct but related goals:

- Improve policies by giving clear guidance to staff and develop strategies for policy and standards and legislative initiatives;
- Continue to improve the monitoring of policy outcomes, establish thresholds for outcome indicators and agree on an outcome accountability policy; and
- Determine the best use of new funds to improve indigent defense system, determine the allocation of new funding and resolve issues related to funding formulas.

“The Task Force has an extraordinary track record of bringing together such individuals and working with counties across the state to ensure compliance with indigent defense standards in the state. Moreover, since its inception, the Task Force has developed substantial criminal justice expertise that has been informed in part by the oftentimes unique issues and problems different jurisdictions in the state may have. The Task Force’s pragmatic, data driven policy efforts have led to substantial improvements in the state’s indigent defense system and have enhanced its long standing reputation for objectivity, fairness and effectiveness.”



John Terzano
President, The Justice Project

⁵ URL for hard copy reference: http://www.courts.state.tx.us/tfid/pdf/Strategic%20Plan_2008.pdf

Policies and Standards

Policy Monitoring Program

Strategic goal one is to improve policies by giving clear guidance to staff and develop strategies for policy and standards and legislative initiatives. Initiatives under this goal are developed to provide additional consistency and improvement in the way Texas delivers indigent defense services. While the FDA contains a variety of statutory requirements, the Task Force is given broad authority to develop additional policies covering a wide range of indigent defense issues, which are achieved through development of rules, best practices, and model forms in a process that encourages stakeholder involvement and collaboration. In approaching this process, the Task Force is always mindful of the potential costs associated with implementing additional requirements. To help execute this strategy, the Policies and Standards Committee of the Task Force met twice during the year. In addition, workgroups charged with assisting the committee to develop legislative recommendations met several times during the year. For a listing of policy monitoring visits, please see Appendix C.

New Policy Monitoring Rules

The Task Force's second strategy is to continue to improve the monitoring of policy outcomes, establish thresholds for outcome indicators and agree on an outcome accountability policy. The Task Force is charged with promoting local compliance with the legal requirements of state law relating to indigent defense. For example, state law requires that competent qualified counsel be appointed in a timely manner in all criminal cases where the accused is too poor to hire a lawyer. The Task Force visits counties each year to promote county compliance with the requirements of state law and Task Force policies and standards relating to indigent defense, and this process is guided by a set of policy monitoring rules. New policy monitoring rules have been codified in the Texas Administrative Code (1 TAC §§174.26 - 174.28). They set out the expectations for what areas the monitoring will cover, what documents will be reviewed, and the time-frames for reports and county responses. The rules may be accessed at: <http://www.sos.state.tx.us/tac>.

Rothgery v. Gillespie County

On June 23, 2008, the United States Supreme Court decided *Rothgery v. Gillespie County*, 128 S. Ct. 2578 (2008). The issue before the Court was whether adversarial judicial proceedings begin at the time an arrestee appears before a magistrate for a hearing pursuant to Article 15.17 of the Texas Code of Criminal Procedure (magistration), even though a prosecutor may not be present at the hearing or even aware of the charges or the arrest itself. The Court held that "a criminal defendant's initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel." Once the right to counsel attaches and a request for assistance is made, the Court did not specify a constitutional time frame after magistration within which counsel must be appointed. The main

impact of the *Rothgery* decision is to speed up the time-frame for appointment of counsel for defendants who are out of custody on bond.⁶

New Indigent Defense Plan Submission Process for 2009

In response to an internal audit report on the current process of receiving and displaying indigent defense plans, the Task Force changed the process for the plan submissions due November 1, 2009. The wide latitude local officials have had in the structure of plans and format of submission has resulted in a cumbersome and, at times, confusing set of documents that are difficult to piece together and are sometimes internally inconsistent. This not only creates problems for the counties who must rely on these documents, but also for Task Force staff who review these plans for compliance with the FDA.

The revamped process will standardize the format of the plans in line with the core requirements of the FDA. It will also result in a single, uniform, accessible indigent defense plan for each county and court level. As part of the new process, the Task Force offers plan templates with sample language that will meet the requirements for each plan section. These templates may be uploaded directly from the plan submission website, and they may be edited to fit each jurisdiction. Although we encourage local judges to consider these templates, they may still use their existing plan so long as it meets the requirements of the Fair Defense Act and Task Force rules. Counties must comply with these requirements in order to be eligible to receive grant funds from the Task Force.

Although plan submission is mandatory on odd numbered years, we encourage judges to take advantage of this new system to update their plans and forms as changes are made. With the new electronic submission process, updating plans will be easy. The new format will also allow plans to be easily reviewed and searched. Since plans will be searchable by section, staff and researchers will be able to focus on only those parts of the plans they are currently interested in reviewing. Additionally, county and district practitioners can easily examine section or complete plans adopted by other counties. As an example, the new submission process will allow a judge to find the attorney qualification requirements in the plans of similarly sized counties in the judge's region. Staff from the Task Force and Public Policy Research Institute (PPRI) is available to assist local officials with the new submission process.

Grant Program

Goal three in the strategic plan is to determine the best use of funds to improve the indigent defense system, determine the allocation of funding, and resolve issues related to the funding formula. Distribution of and accounting for state funds to counties are critical responsibilities of the Task Force. The Grants and Reporting Committee met twice over the year and also had a workgroup meeting in November 2008 to discuss the current formula for distributing funds. The Task Force grant program encourages compliance with state and federal requirements by requiring counties to meet provisions of the FDA in their local indigent defense plans in order to qualify for funding. In FY 2009, the Task Force awarded over \$28 million to counties through seven funding methods—\$11,728,773 in formula grants; \$3,807,656 in discretionary grants; \$131,523 in direct disbursements to rural counties; \$575,003 in reimbursements for counties

⁶ An insightful summary on *Rothgery* was published in the Harvard Law Review at http://www.harvardlawreview.org/issues/122/nov08/leadingcases/rothgery_v_gillespie.pdf.

with extraordinary expenses; \$201,817 for targeted specific grants; \$9,211 for technical support; and \$12 million in an equalization disbursement. The Expenditure Report contained in this Annual Report beginning on page 21 provides details of the expenditures for each of the seven funding methods. The Task Force authorized staff to publish the FY 2010 Discretionary Grant Request for Applications (RFA) during FY 2009. This timeline gives counties more time to plan, budget and implement new programs for the upcoming fiscal year. Several applications were submitted for consideration in April. In all, the Task Force awarded \$591,024 in new FY 2010 discretionary grants to Fort Bend, Parker and Wichita counties at its June 10, 2009 meeting.

Revised Grant Rules

In FY 2009 the Task Force revised existing grant rules. The rules establish guidelines for the administration of the grant program, which is designed to improve counties' indigent defense systems and promote compliance with state law. They describe the types of grants and other funds available to counties from the Task Force and outline how the funds will be administered. The rules may be accessed at Texas Administrative Code, Title 1, Part 8, Chapter 173 online at: <http://www.sos.state.tx.us/tac>.

Funding Strategies

The Task Force provides funding to counties under seven strategies.

Formula Grants. The Task Force distributes funds to counties through its Formula Grant program, providing funding that must be used to improve counties' indigent defense systems. The funds are allocated by a formula that sets a \$5,000 floor per grant, with a distribution of additional funds based on a county's percent of state population (estimated by the Texas Data Center in the preceding year) multiplied by the Task Force'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 Task Force to qualify. The \$5,000 floor of the formula provides many smaller counties with a greater percentage of reimbursement of indigent defense expenditures than most large counties receive.

In FY 2009, the Task Force awarded almost \$12 million in Formula Grants to 219 Texas counties. The remaining 35 counties were automatically assigned to the direct disbursement grant funding pool.

Direct Disbursement Grants. A total of \$180,818 was available in FY 2009 for Direct Disbursement. Thirty-five counties did not apply for a formula grant and therefore were eligible to receive a direct disbursement if they incurred indigent defense expenses above their baseline amount. A total of \$131,523 has been distributed in direct disbursement funding for FY 2009. More detailed information on Direct Disbursement and a list of counties that received these funds is located on pages 24 and 25 in the Expenditure Report of this Annual Report.

Equalization Disbursement. The equalization disbursement provides additional state funds to counties with the lowest percentage of state reimbursements for overall increased indigent defense costs. While the formula grant and direct disbursement grant programs ensure that

some funds are available to every Texas county, the equalization disbursement policy works to balance the percentage of increased costs that any one county must absorb.

In FY 2009 the Task Force awarded \$12 million in funding to 112 counties that had less than a 29% rate of state reimbursement for indigent defense expenditures. This funding strategy is used when budget conditions are favorable without adversely affecting other funding methods. The Task Force encourages counties to use this money to help pay for something on their indigent defense “wish list,” a project or plan that may have remained unrealized without this extra funding.

More detail on the Equalization Disbursement policy is on page 26 and a table of counties receiving this payment is located at Appendix G of the Expenditure Report section of this Annual Report.

Extraordinary Disbursement Grants. To qualify for extraordinary disbursement funding, a county must demonstrate that indigent defense expenses in the current or immediately preceding fiscal year constitute a financial hardship for the county. The Task Force voted to distribute a total of \$575,000 in extraordinary disbursement funding to five counties, Delta, Hill, Hunt, Jackson and Jefferson. Pages 25 and 26 of the Expenditure Report contain more detailed information on extraordinary disbursement funding.

Targeted Specific Funding. The Task Force may provide funds to address specific issues identified in site visits or compliance monitoring visits when requested to do so by counties. The Task Force staff will work with counties to develop appropriate program elements and evaluation measures to address compliance issues related to the Fair Defense Act. Cameron County received \$96,817 to create a new indigent defense services department. As a result of this funding, the county moved toward compliance. An additional \$105,000 was allocated to fund appointed attorneys in addressing a jail backlog of defendants for whom a determination of indigence had not previously been made.

Technical Support Funding. The Task Force coordinates with counties to develop technical support projects to improve indigent defense services. Many types of technical support projects may be initiated, but all projects must raise the knowledge base about indigent defense or establish processes that may be replicated by other jurisdictions. In FY 2009 \$4,211 was disbursed to Harris County to develop a training curriculum for attorneys on the mental health appointment wheel. El Paso County received technical support to conduct a workflow assessment of the capital murder unit of the public defender’s office in order to improve efficiency. The \$5,000 was used to hire a subject matter expert to develop recommendations for El Paso County PD. Detailed information on Technical Assistance funding is located on page 27 of the Expenditure Report.

Discretionary Grants. Discretionary grants are awarded on a competitive basis to assist local government in creating and developing new programs or processes that improve the delivery of indigent defense services. For FY 2009 the Task Force awarded \$3,807,656 for new and continued single and multi-year grants. Types of programs identified as priorities by the Task Force are:

- Programs that provide direct services to indigent defendants.
- Establishment of public defender offices.



- Establishment of regional public defender offices.
- Programs that provide mental health defender services.
- Programs that provide juvenile defender services.

See Appendix D for a map and description of discretionary grants awarded by the Task Force since 2003.

FY 2009 New Multi-Year Programs awarded in FY 2008

- \$478,384 to Bee County to establish a regional public defender’s office with McMullen and Live Oak counties
- \$419,360 to Lubbock County to establish the state’s first mental health private defender program
- \$331,420 to Webb County to establish a juvenile public defender’s office

FY 2009 New Single Year Programs awarded in FY 2008

- \$34,184 to Burnet County to hire an indigent defense coordinator
- \$16,530 to Red River County for a video-conferencing system

Detailed information on FY 2009 Discretionary Grants and a list of counties that received these funds is located on pages 26 and 27 in the Expenditure Report of this Annual Report.

FY 2010 Discretionary grants awarded in FY 2009

The Task Force authorized staff to publish the FY 2010 Discretionary Grant Request for Applications (RFA) during FY 2009. This timeline gives counties more time to plan, budget and implement new programs for the upcoming new fiscal year. Several applications were submitted for consideration in April. In all, the Task Force awarded \$591,024 in FY 2010 discretionary grants to Fort Bend, Parker and Wichita counties at its June 10, 2009 meeting:

Fort Bend County. The Task Force awarded Fort Bend County \$517,824 to establish a mental health public defender office to serve indigent defendants with mental illness. The new program will be modeled after the first such program established in the nation in Travis County. Staffed with attorneys, case workers and social workers, the office will represent defendants with mental illness in misdemeanor cases. The program will help connect them to available services and treatment options. The office also will seek solutions to get and keep defendants with mental illness out of the criminal justice system.

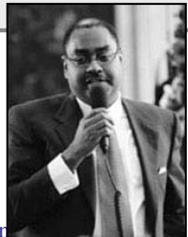
“The mental health public defender funded by the Task Force supports local efforts already underway to create a more effective system to identify mentally ill persons who pose little threat to public safety and divert them into treatment.”

Dr. Tony Fabelo, Director of Research, Justice Center – Council of State Governments. Dr. Fabelo worked with Fort Bend officials to develop more effective diversion strategies for defendants with mental illness.



“Establishing the Fort Bend County mental health public defender office is a major step forward in ensuring fairness in our legal system for a segment of the population that is often overlooked and underserved. This office will go a long way toward protecting the constitutional right to counsel, as well as connecting mentally ill persons with services and resources that should reduce their involvement with the criminal justice system in the future.”

Rodney Ellis, State Senator, District 13



Parker County. The Task Force awarded \$52,450 to Parker County to fund an indigent defense coordinator position. The indigent defense coordinator will be bilingual in Spanish and English and screen defendants to determine if they are eligible for a court-appointed attorney. The indigent defense coordinator will appoint counsel for those who qualify and will ensure attorneys contact their clients within the legally required timeframe. **“Indigent defense coordinators have proven to be effective tools for local jurisdictions and Parker County is to be commended for this improvement to its process,”** said Judge Keller.

Wichita County. The Task Force awarded \$20,750 to Wichita County for a video teleconferencing system to connect the jail and the public defender office to increase attorney-client communication. **“This video teleconferencing system will allow secure and more frequent visitation between public defenders and their clients as well as reduce travel time and expense going to the remote jail facility,”** said Woody Gossom, Wichita County Judge. **“In addition,”** he continued, **“the system will be made available to private and court appointed attorneys.”**

Continued Multi-Year Grants awarded August 6, 2009

In addition to new multi-year grants awarded in FY 2009, the Task Force also provided discretionary grant funding to counties that were awarded multi-year grants in previous years. These programs establish direct client services on a diminishing funding schedule. In FY 2009 the following programs were provided continued funding:

| County | Type | Percent | Program Name | Recommended Amount | Months in FY10 Grant Period* |
|-----------|-------|---------|--|--------------------|------------------------------|
| Bee | Multi | 80% | Regional Public Defender | \$298,968 | 12 |
| Bowie | Multi | 40% | Bowie-Red River Public Defender | \$298,758 | 12 |
| Kaufman | Multi | 40% | Public Defender | \$84,128 | 12 |
| Limestone | Multi | 20% | Mental Health Attorney Program | \$1,962 | 1 |
| Lubbock | Multi | 80% | Regional Capital Murder Public Defender | \$782,437 | 12 |
| Lubbock | Multi | 60% | Mental Health Private Assigned Counsel Program | \$290,520 | 12 |
| Travis | Multi | 40% | Mental Health Public Defender | \$220,517 | 12 |
| Val Verde | Multi | 20% | Regional Public Defender | \$68,003 | 7 |
| Webb | Multi | 60% | Juvenile Public Defender | \$243,382 | 12 |
| Willacy | Multi | 40% | Public Defender | \$89,832 | 12 |
| | | | Total | \$2,378,507 | |

Service to Counties: Useful Grant Information Available Online to Counties Considering a Discretionary Grant

The Task Force public pages now offer several options to see grant information that counties can utilize when considering and/or planning to apply for a discretionary grant. The public pages are located at <http://tfid.tamu.edu/public>. Counties and the public in general have access to useful information about funded (and not funded) grants.



Fiscal Program Monitoring

The Task Force on Indigent Defense is required by Texas Government Code §71.062(a)(3) to monitor counties that receive a grant and enforce compliance by the county with the conditions of the grant, as well as state and local rules and regulations. Grant rules and the Uniform Grant Management Standards (UGMS) set monitoring priorities for the counties. A total of 16 on-site visits were conducted in FY 2009 (September 1, 2008 to August 31, 2009). The 16 on-site visits consisted of 11 fiscal monitoring and 5 technical assistance visits. The counties were monitored based on risk assessment scores and geographical area. The fiscal monitoring visits represented over \$1,687,300 in formula, discretionary and equalization disbursements.

The review process considers fiscal concerns in determining the county's risk level. Fiscal concerns are related to the adequacy and type of financial management system, overall percentage of administrative expenses, value of grants awarded, value of equipment purchased, and baseline adjustments, corrections, or tardiness in document submission.

Most common fiscal findings/issues identified for improvement:

- **Indigent Defense Expenses** - licensed investigations, expert witnesses, and other direct litigation expenses were incorrectly placed in the attorney fee category of services.
- **Continuing Legal Education (CLE)** - attorney criminal CLE hours were not consistently documented.
- **Attorney Fee Vouchers** – requested attorney fee reimbursements were reduced without written findings.
- **Accounting Procedures** – no written procedures for reporting criminal indigent defense expenditures.

See Appendix E for a complete listing.

Task Force Serves as a Clearinghouse of Information on Indigent Defense

To promote best practices and accountability, the Task Force serves as a clearinghouse of indigent defense information via its website. The public has access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases. In addition to its numerous publications on the website, the Task Force also offers professional development educational programs to enhance understanding of the FDA.

In FY 2009, Task Force staff made 14 presentations to more than 1,350 attendees at various professional associations. One of these was the 6th Annual Indigent Defense Workshop sponsored by the Task Force, held during FY 2009 on October 23-24, 2008. Twenty-two counties were represented by court administrators,



Pictured above, elected officials from Taylor County in attendance at the workshop: seated left to right: Commissioner Stan Egger, County Judge Lee Hamilton and Commissioner Chuck Statler

judges and commissioners. There were approximately 100 in attendance, including presenters and staff. The keynote speaker was Robert Spangenberg, a national indigent defense expert and president of The Spangenberg Group consulting firm. Attendees heard from a vast array of presenters from defense to prosecution who shared a wealth of useful information, perspectives and practical advice on how to improve local indigent defense systems. Workshops have resulted in improvements in indigent defense processes each year. Some examples of actions taken: There were several counties that would consider a public defender office if it was supported and feasible (Ft. Bend, Nacogdoches, Nueces, Zapata). In light of the recent *Rothgery* ruling by the U.S. Supreme Court in June, counties will come up with a plan of action such as revisiting and revising indigent defense plans, changing magistration procedures and following up with defendants who have bonded out. Counties also indicated interest in mental health diversion, establishing relationships with MHMR and improving communication between law enforcement, county and district attorney, and the court. The presentations were videotaped and video downloads are available on the Task Force website [here](#).⁷ Information on *Rothgery v. Gillespie County* (downloads at 5,6,7,8) and other current topics in indigent defense are also available.

Counties that attended the workshop:

- Anderson
- Bastrop
- Bell
- Bexar
- Burnet
- Collin
- Dallas
- Denton
- Fort Bend
- Grayson
- Henderson
- Jones
- Montgomery
- Nacogdoches
- Nueces
- Tarrant
- Taylor
- Travis
- Val Verde
- Webb
- Williamson
- Zapata

e-Newsletters

After each Task Force meeting, staff issues a newsletter by email to over 1500 county and other justice system stakeholders. Newsletters provide counties with information regarding grant application deadlines, instructions on applying for grants, monitor findings, new rules, forms, studies, publications and stories featuring other county’s systems to share successful examples for other counties to learn from. Since 2002, [twenty-four e-newsletters](#)⁸ have been issued.

Website

To stay current on the latest happenings regarding indigent defense in Texas and around the nation, go to www.courts.state.tx.us/tfid. As of December 21, 2009, there have been 26,972 distinct visits out of 72,405 page hits to the public access site since its inception on September 23, 2003.

“Most impressive web page!! The finest I have ever used.”

Steve Vandiver, Hemphill County Judge

Monitoring/Tech Assistance

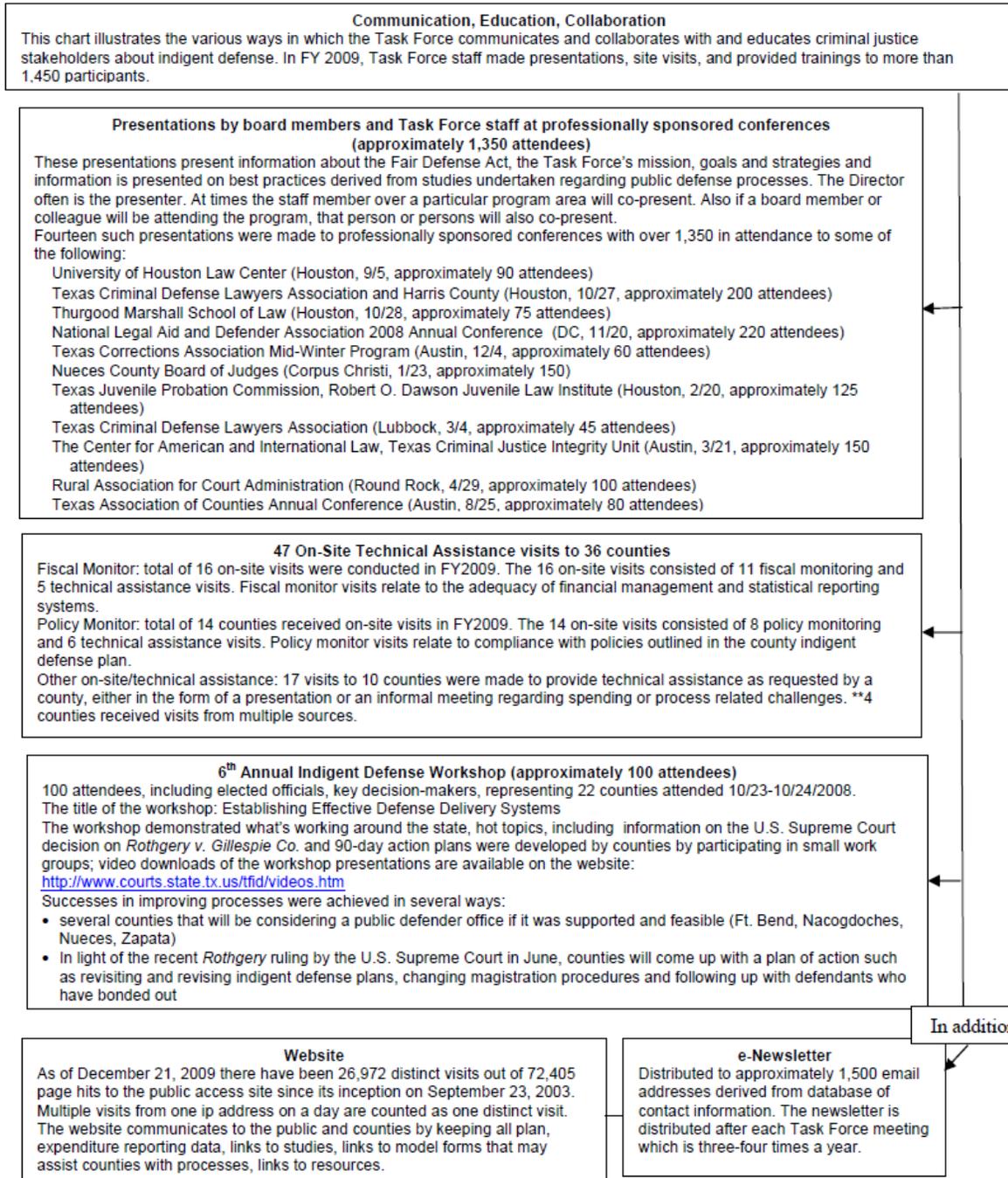
The Task Force offers technical assistance in various ways, including site visits, and the Director and other staff travel to many jurisdictions across the state. In FY 2009 staff conducted site work in 47 counties and at each of the law schools that receive state funds for an innocence project for a variety of purposes. Visits were related to program improvements, grant funding, and expenditure reporting. The Task Force 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 staff conducting a presentation, monitoring site visits or perhaps an informal meeting requested by a county grappling with spikes in spending, process-related challenges

⁷ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/videos.asp>

⁸ URL for hard copy reference: http://www.courts.state.tx.us/tfid/e-newsletters_archives.asp



and the like. The sharing of information between the state and local jurisdiction benefits not only the local jurisdiction, 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 jurisdiction, and it is not uncommon for process changes to be implemented by the locals that benefit not only the county, but the client as well. Whatever a county's issues or needs are with regard to indigent defense, counties are encouraged to ask for technical assistance.



Other Program Initiatives and Updates

Administration

There are seven staff members that support the Task Force's mission. The Task Force and its committees held seven public meetings. In addition, the Task Force's mission is supported enormously from the leadership and administrative support provided to it by the Office of Court Administration (OCA). This support includes purchasing, human resources, fiscal, and other operations. This support leverages the economies of scale of the larger organization, while allowing staff designated to work for the Task Force to focus exclusively on the substantive work of improving indigent defense. In turn, the Task Force'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 the criminal case management systems. Legislative bill tracking and communication is another effective collaboration among Task Force staff and OCA. There were three FTE's gained during the 81st Legislature in FY 2009. Those staff will be hired in FY 2010. Two will be grant program specialists to assist county officials and court administrators develop, implement, and improve public defender programs and one will provide administrative support.

Mental Health Study

In recent years, funds have been appropriated in Texas to enhance mental health services for the criminal justice population. The Task Force has also provided funding to a number of counties to establish mental health programs to represent those suffering from mental illness (Dallas, El Paso, Travis, Lubbock and Fort Bend (FY10 Discretionary Grant)). With access to more resources and in an effort to slow the recidivism of poor persons suffering mental illness facing criminal charges, counties are adopting new local diversion and treatment alternatives. In this climate of change and innovation, little objective analysis has been conducted to guide counties in their planning. The Task Force applied for and received a grant from the State Justice Institute for a research project entitled "Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives." This study is currently underway and expected to be completed in FY 2010. This multi-year study is being conducted, in collaboration with the Public Policy Research Institute at Texas A&M, to document the effectiveness of emerging pre-trial interventions and compare outcomes for mentally ill misdemeanor defendants represented by the mental health public defenders vs. appointed counsel. Exposing individuals to interventions is expected to demonstrate: 1) faster and more accurate identification of mental illness by the criminal justice system; 2) better access to stabilizing pre-trial mental health services; 3) higher rates of non-criminal diversion or treatment-oriented dispositions; 4) higher rates of sustained participation in community mental health treatment after the case is disposed; and 5) lower rates of recidivism.

Innocence Projects

Through the General Appropriations Act, the Texas Legislature in 2005 provided for the allocation of funds to the state's public law schools to support their work investigating claims of innocence by incarcerated individuals. The Task Force on Indigent Defense is currently responsible for administering the \$800,000 allocation for FY 2008 – 2009 (\$100,000 a year per school) to each of the four public law schools in Texas: University of Houston School of Law;

University of Texas Law School; Texas Tech University School of Law; and Texas Southern University's Thurgood Marshall School of Law.

| Law Schools | FY 2008 | FY 2009 | Total |
|---------------------------|-----------|-----------|-----------|
| University of Houston | \$100,000 | \$96,731 | \$196,731 |
| University of Texas | \$65,887 | \$125,845 | \$191,732 |
| Texas Southern University | \$29,167 | \$42,236 | \$71,403 |
| Texas Tech University | \$100,000 | \$100,000 | \$200,000 |
| Total Expended | \$295,053 | \$364,812 | \$659,866 |

Each of these law schools has an operational innocence project. Working with instructors and staff, law students are responsible for screening and investigating claims by Texas inmates that they are actually innocent of the crimes for which they were convicted and are currently serving a sentence.

The Task Force partnered with the Public Policy Research Institute at Texas A&M University to create a centralized, internet-based reporting system to provide easy access and accountability for performance among the projects. The system standardizes performance data by the Innocence Project sites, and then summarizes those results in a form that is easily accessible to project administrators, Task Force staff, legislators, advocates, and the general public. In this way, the online system eliminates confusion regarding which site is accountable for individual cases and makes better use of resources. The online system is appended to the current Task Force website used to administer indigent defense program funds to Texas counties. The link to the database is: <http://innocence.tamu.edu/Public>.

Summary of Innocence Monitoring Visits

Innocence Projects funded by the Task Force received a monitoring visit to ensure that each Innocence Project had procedures in place to track incoming claims of innocence, to assist students in investigating these claims, and to ensure that financial expenses were properly reported to the Task Force. The chart at right details when these monitoring visits were conducted.

| Law School | Date |
|---------------------------|-----------|
| University of Texas | 2/2/2009 |
| University of Houston | 2/5/2009 |
| Texas Tech University | 2/18/2009 |
| Texas Southern University | 3/3/2009 |

Highlights from the FY 2009 annual reports from each of the innocence projects:

University of Houston School of Law (University of Houston Innocence Project)

During FY 2009, the University of Houston Innocence Project received and processed 1,480 requests for assistance from inmates, 424 of which contained claims of actual innocence. In total, 455 cases were screened following receipt of the inmate questionnaire. In the fiscal year 148 new investigations were initiated, 154 investigations were completed, and 252 investigations remain open. Litigation proceedings were initiated in one case. A total of 87 students participated in the program, providing 7,705 hours of work.

University of Texas Law School (Texas Center for Actual Innocence)

In FY 2009, the Texas Center for actual Innocence received 846 requests for assistance. Of these, 507 individuals made claims of innocence and were sent questionnaires requesting



more information. In total, 471 questionnaires were returned during the fiscal year, and 20 investigations were initiated. In addition, litigation was initiated in five cases. The Texas Center for Actual Innocence referred 33 cases to other innocence projects within and outside of Texas. A total of 29 students participated in the program, providing 3,978 hours of client services.

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

The Innocence Project of Texas received and processed 1,812 requests for assistance in FY 2009. Of these, 610 individuals made claims of actual innocence and were sent questionnaires to obtain more information about the cases. Of the questionnaires sent, 462 were returned and 66 cases were transferred to other institutions. During the fiscal year, the project initiated investigations in 124 cases and 86 investigations were completed. Litigation was pursued in 11 cases and clemency proceedings were initiated in one case. The Innocence Project of Texas is comprised of 24 law students and 11 forensic science students.

Of particular note is the work conducted by the Innocence Project of Texas in the cases of Timothy Cole and James Woodard. Cole became the first Texan to be posthumously exonerated by DNA evidence, and he was cleared by a court of all crimes in April of 2009—10 years after his death in prison due to an asthma attack. Woodard was also cleared by DNA testing in April of 2008, and clemency proceedings were initiated in 2009.

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

Following a monitoring visit by the Task Force, the Thurgood Marshall School of Law Innocence Project reorganized and was placed under the oversight and management of the Earl Carl Institute for Legal & Social Policy, Inc. As part of the restructuring, the Innocence Project became an independent clinical program distinct from the criminal law clinic, improved the course syllabus to focus solely on innocence issues, and hired an adjunct professor to teach the Innocence Project course.

Subsequent to the reorganization and increased marketing, the Innocence Project received 90 incoming requests from inmates, including 20 pending cases transferred from the Innocence Project of Texas. Four questionnaires were sent to inmates for further information, and two of those questionnaires were returned and placed on the investigation list. Four new investigations were initiated during the year, making the total number of open investigations 10. In FY 2009, four law students provided 95 hours of work for the Innocence Project.

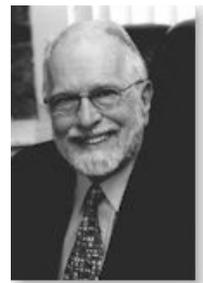
The link to the Innocence Project database is: <http://innocence.tamu.edu/Public>.

Task Force Law Student Interns

The Task Force has an association with the University of Texas School of Law (due in very large part to the late Professor Dawson) and Texas Tech School of Law and frequently has interns from each of these programs join the Task Force. These law students assist the Task Force by reviewing county indigent defense plans for elements that are required by the Fair Defense Act and the Task Force for grant eligibility. They also assist with publications and research. The Task Force wishes to thank Francisco Garcia and Jordan Jackson who worked during FY 2009.

FY 2009 Dawson Award

The Robert O. Dawson Indigent Defense Distinguished Service Award honors and acknowledges the late Professor Robert O. Dawson's outstanding contributions to the criminal justice system and symbolizes his lasting impact on the Texas Fair Defense Act and the Task Force. Each year the award recognizes service by a group or an individual that makes an outstanding contribution to the improvement in the way Texas provides counsel for its poorest citizens accused of crimes. In 2008, the Task Force awarded Bob Spangenberg the Robert O. Dawson Indigent Defense Distinguished Service Award at the December 12th meeting. Mr. Spangenberg has served Texas for many years and has volunteered countless hours over the past decade to pass and uphold the Fair Defense Act and further the mission of the Task Force. Over the past 35 years, Mr. Spangenberg has worked in all 50 states with civil legal services programs, indigent defense programs, bar associations, state and county officials, and legislative bodies interested in improving the U.S. justice system. Since 1986, he has provided technical assistance on indigent defense systems for the American Bar Association's Bar Information Program, which provides support and research to individuals and organizations working to improve their jurisdictions' indigent defense systems.



Bob Spangenberg

Earlier this year, it was announced that The Spangenberg Group joined forces with George Mason University's (GMU) Center for Justice, Law and Society. Under this exciting new arrangement, GMU has created The Spangenberg Project, which offers research, consulting, and technical assistance on issues of access to justice and indigent defense. As part of the merger, Bob Spangenberg is now Professor Spangenberg, a research professor, where he will work collaboratively with faculty researchers and graduate students. The combined team will connect field work on indigent defense with larger research and policy goals on access to justice. Among other things, the Center will create an annual Robert L. Spangenberg prize for the best student paper on the subject.

Farewell to Representative Peña, Welcome Representative Gallego

In its seventh year the Task Force transitioned from one member, Representative Aaron Peña to another, Representative Pete Gallego. Both were appointed as ex-officio members as Chair, House of Criminal Jurisprudence Committee in the House of Representatives. Representative Gallego is not new to the board as he was an original board member in 2002 (ex-officio member of the house appointed by the speaker to serve on the Judicial Council). The Task Force is grateful to Representative Peña for his service and welcomes Representative Gallego back.



Representative
Pete Gallego

Criminal Justice Integrity Unit

The Director of the Task Force, Jim Bethke, is a member of the Criminal Justice Integrity Unit, which is an ad hoc committee created in 2008 by Judge Barbara Hervey of the Texas Court of Criminal Appeals. The TCJIU was created to review the strengths and weaknesses of the Texas criminal justice system. The TCJIU's purpose is to bring about meaningful reform through education, training, and legislative recommendations.

Timothy Cole Advisory Panel on Wrongful Convictions

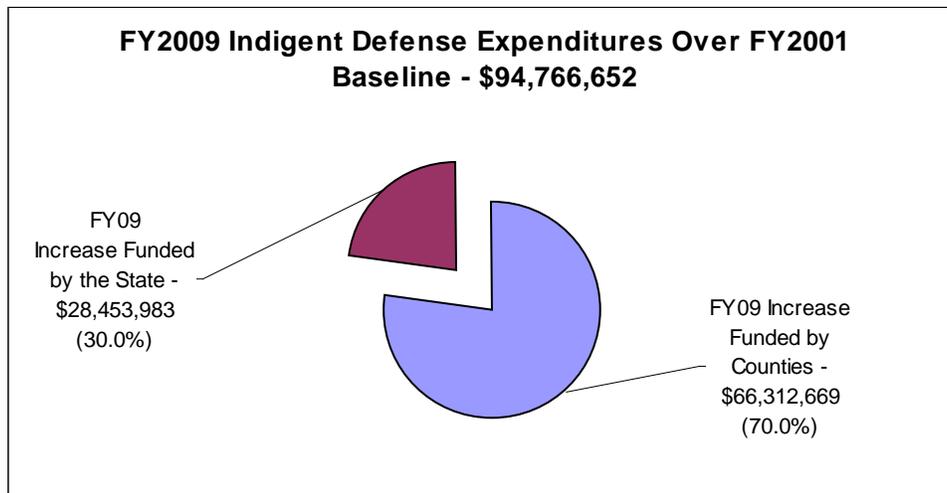
During the 81st Legislative Session in FY 2009 the Texas Legislature passed HB 498 establishing the Timothy Cole Advisory Panel (TCAP) on Wrongful Convictions. This legislation went into effect September 1, 2009. The advisory panel was established to assist the Task Force to study and prepare a report regarding the causes of wrongful convictions, procedures and programs that may be implemented to prevent future wrongful convictions, the effects of state law on wrongful convictions, and whether the creation of an innocence commission to investigate wrongful convictions is necessary. The Director of the Task Force is designated as the presiding officer of the advisory panel. The legislation also provides that the advisory panel shall meet at the call of the presiding officer, but not less than three times in person and as needed by telephone conference call. An initial planning meeting was held in October 2009 to discuss the scope of the study and develop a work plan to accomplish the directives of the legislation. The study and final recommendations will be presented to the full Task Force later this year. A final report will be sent on or before January 1, 2011 to the Governor, Lt. Governor, the Speaker of the House, and the standing committees of each house of the legislature with a representative serving on the Advisory Panel. The webpage for TCAP is www.courts.state.tx.us/tfid/tcap.asp.



FY09 Expenditure Report

I. Expenditures

This year, county indigent defense expenses totaled \$186,382,932 compared to FY 2008 recorded expenses of \$174,148,674 and FY 2007 recorded expenses of \$161,097,084. To help offset increased costs, counties are eligible to receive grants and other funds to cover expenses above their fiscal year 2001 baseline expenditures. This year, the state provided funding to counties through Formula Grants, Direct Disbursements, Extraordinary Disbursements, Equalization Disbursements, Discretionary Grants, and Technical Support/Targeted Specific payments totaling just over \$28 million. FY 2009 total expenditure of \$186,382,932 represents an increase of \$94,766,652 over FY 2001 expenditures (baseline). The state provided funding for \$28,453,983 (30.0%) of that increase.



II. Funding (Revenue)

Distributing state funds to assist counties in meeting their constitutional and statutory duties to improve indigent defense services is a critical responsibility of the Task Force. The primary source of funding for the Task Force is court costs and fees. Court costs and fees are paid upon a defendant's conviction of offenses ranging from fines for misdemeanors to felonies. This fiscal year, \$11,907,439 was collected compared to \$12,388,295 in FY 2008 and \$12,257,242 in FY 2007.

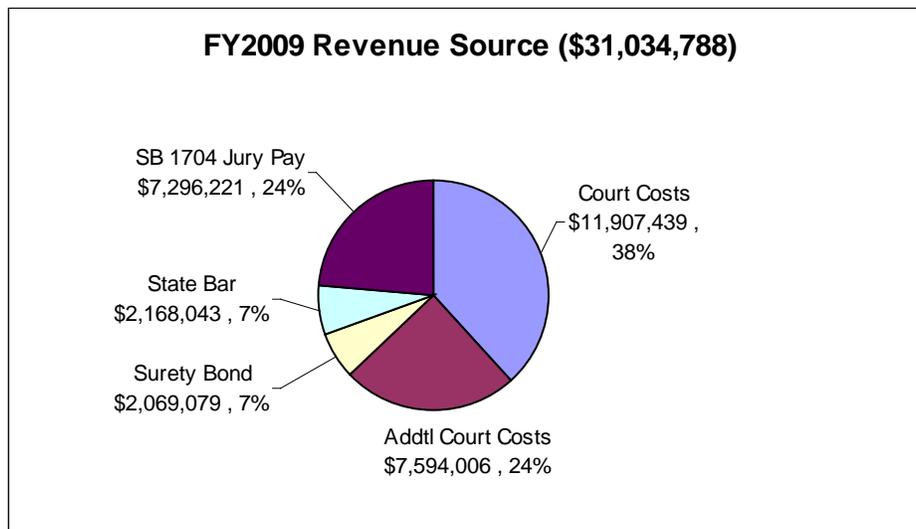
The Task Force also receives funding from Surety Bond Fees and State Bar Fees. Of the Surety Bond fees collected, one-third goes to the Fair Defense Account and the remaining balance goes to support longevity pay for prosecutors. This year, the Task Force received just over \$2 million from Surety Bond fees.

One-half of the legal services fees collected through the State Bar are allocated to the Fair Defense Account. This fiscal year, the Task Force received \$2,168,043 from State Bar fees. The Task Force designates funds collected from this fee to fund single and multi-year discretionary grant proposals whose priorities include establishing public defender offices, regional public

defender offices, mental health defender services, and programs that provide direct services to indigent defendants.

S.B. 1704 (Jury Pay), 79th Legislature, R.S., created a \$4 court cost payable upon conviction for any offense, excluding pedestrian or parking related offenses. This court cost is deposited to the jury service fund. When the fund exceeds \$10 million, the overage is transferred to the Fair Defense Account. These funds are appropriated to the Task Force to reimburse counties for the costs of providing indigent defense services. This fiscal year the Task Force received \$7.2 million from the jury service fund. In FY2008, the Task Force received \$6.2 million.

H.B. 1267 (Additional Court Costs), 80th Legislature, R.S., ensures that indigent inmate defense is governed by the Fair Defense Act. The bill also created a \$2 fee on criminal convictions to be used for indigent defense services. The fee was originally expected to generate about \$7.9 million in revenue annually. This fiscal year \$7.5 million was collected compared to \$2.6 million collected in FY 2008 (the first year the fee was collected).



III. Operating Budget for FY 2009

Table 1: FY 2009 Operating Budget

| Budget Category | FY09 Expended Total | FY08 Comparative Total |
|--|---------------------|------------------------|
| Salaries & Wages | \$481,338 | \$466,410 |
| Other Personnel Cost | \$18,209 | \$7,420 |
| Benefit Replacement Pay | \$2,054 | \$2,310 |
| Professional Fees & Services | \$18,509 | \$8,243 |
| In-State Travel | \$25,171 | \$29,030 |
| Out-of State Travel | \$5,135 | \$4,644 |
| Training | \$2,165 | \$3,640 |
| Postage | \$2,225 | \$2,591 |
| Materials & Supplies | \$2,485 | \$4,624 |
| Printing & Reproduction | \$815 | \$1,439 |
| Telecommunications | \$6,404 | \$9,670 |
| Rentals & Leases | \$3,238 | \$3,326 |
| Other Operating Expenses | \$147,545 | \$145,744 |
| Indigent Inmate Defense Claim | \$106,280 | \$54,758 |
| Innocence Project | \$364,812 | \$174,179 |
| Mental Health Study/SJI Grant ⁽¹⁾ | \$194,364 | \$0 |
| Formula Grant ⁽²⁾ | \$11,728,773 | \$11,742,978 |
| Discretionary Grant ⁽³⁾ | \$3,807,656 | \$3,047,124 |
| Equalization Disbursement | \$12,000,000 | \$6,000,000 |
| Extraordinary Disbursement | \$575,003 | \$450,565 |
| Direct Disbursement | \$131,523 | \$140,213 |
| Technical Assistance/Targeted Specific | \$211,028 | \$0 |
| Capital Outlay | \$0 | \$0 |
| Total | \$29,834,732 | \$22,298,908 |

| Method of Finance Category | FY09 Method of Finance | FY08 Method of Finance |
|-------------------------------------|------------------------|------------------------|
| Court Costs | \$11,907,439 | \$12,388,295 |
| Surety Bond Fee | \$2,069,079 | \$2,127,333 |
| State Bar Fee | \$2,168,043 | \$1,928,548 |
| Jury Pay Fee | \$7,296,221 | \$6,531,838 |
| New Court Costs | \$7,594,006 | \$2,595,455 |
| Total Revenue | \$31,034,788 | \$25,571,469 |
| FY07 Carryover Funds | | \$3,287,296 |
| FY08 Carryover Funds | \$6,669,707 | (\$6,669,707) |
| FY09 Carryover Funds ⁽⁴⁾ | (\$7,869,763) | |
| Total MOF | \$29,834,732 | \$22,298,908 |

⁽¹⁾ Research project partially funded with grant for State Justice Institute.

⁽²⁾ The actual amount expended for FY08 Formula Grants totaled \$11,613,568 based on the indigent defense expenditure reports submitted by counties. Amount listed for FY09 Formula Grant is award amount.

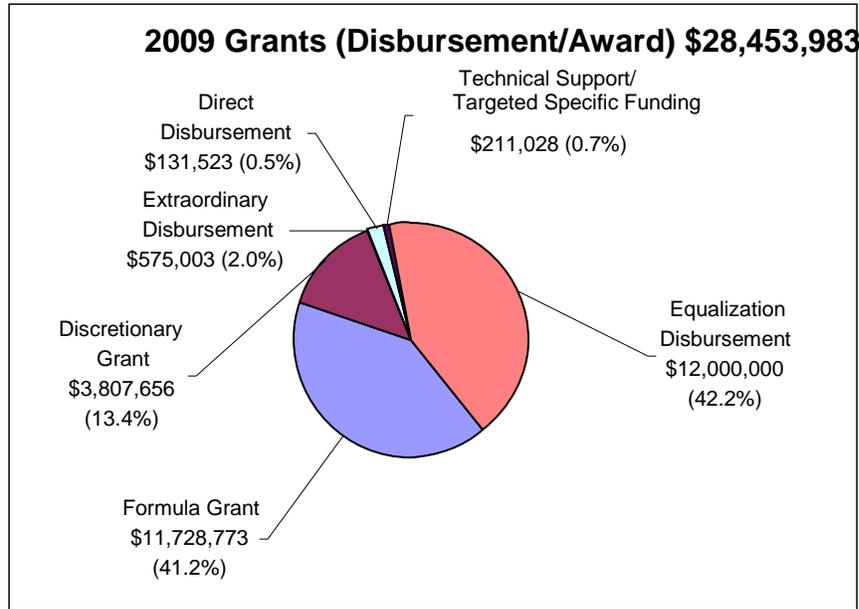
⁽³⁾ The actual amount expended for FY08 Discretionary Grants totaled \$2,775,564. Amount listed for FY09 Discretionary Grant is award amount.

⁽⁴⁾ FY09 Jury Pay revenue in the amount of \$7,296,221 was deposited after August 31, 2009.



This fiscal year, the Task Force expended \$715,293 for administrative costs from the Fair Defense Account. Administrative costs represent 2.4% of the total amount expended. These expenses included salaries for seven full-time staff, travel for board members and staff, an on-line data system that provides public access through the internet of all county plans and expense information submitted by courts and counties, and other administrative functions as shown in chart on the previous page.

IV. Grants



Formula Grant

Formula grants provide money to counties for increased indigent defense costs that arise from improved indigent defense services using a standard allocation formula. Funds are distributed based on a floor award amount, with the remainder based on a county’s percent of population. Funds are distributed to all counties who apply, document their increased expenditures, and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Task Force.

This fiscal year, the Task Force awarded formula grants to two hundred nineteen (219) counties totaling \$11,728,773. Formula grants represent 41.2% of total grant funding. (See Appendix F for a complete listing of FY 2009 grant awards.)

Direct Disbursement

The direct disbursement grant category gives small counties that have low incidences of crime and low indigent defense costs a way, if needed, to receive funding apart from applying for a Formula Grant. Small counties often do not have sufficient indigent defense expenses to earn grant funds using the formula grant methodology. Two-thirds of the funds that would have been allocated to counties that do not apply for a formula grant are budgeted for direct disbursement. If a county has indigent defense expenses above its baseline year amount, that

county is eligible to receive funding based on requirements set by the Task Force, subject to availability of funds.

In FY 2009, thirty-five (35) counties did not apply for a formula grant and were, therefore, eligible to receive a direct disbursement if they incurred indigent defense expenses above their baseline amount. A county may decide not to apply for a grant if the county did not expend any of its previous grant award or the county does not anticipate increased indigent defense costs over the baseline amount. The total amount disbursed under this category was \$131,523. This amount represents 0.5% of total grant funding. Table 2 lists all counties that received a direct disbursement.

Table 2: Direct Disbursements

| County | Amount Disbursed |
|---------------------|------------------|
| Coke | \$6,739 |
| Concho | \$4,711 |
| Cottle | \$1,876 |
| Crockett | \$6,784 |
| Delta | \$3,875 |
| Dickens | \$4,638 |
| Dimmitt | \$5,264 |
| Fisher | \$6,143 |
| Floyd | \$1,435 |
| Jeff Davis | \$2,671 |
| Karnes | \$11,950 |
| Kenedy | \$2,500 |
| Lavaca | \$18,962 |
| McMullen | \$4,848 |
| Nolan | \$11,740 |
| Oldham | \$5,990 |
| Rains | \$9,801 |
| Stonewall | \$5,674 |
| Uvalde | \$15,922 |
| Total (19 counties) | \$131,523 |

Extraordinary Disbursement

The Task Force distributed \$575,003 in extraordinary disbursement funding in FY 2009 to five counties. This amount represents 2.0% of total grant funding. To qualify for this funding, a county must demonstrate indigent defense expenses in the current and/or immediately preceding county fiscal year constituting 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. Due to the



availability of funds this fiscal year, all but one county received full funding of their requests. Table 3 details the funds disbursed under this program.

Table 3: Extraordinary Disbursements

| County | Requested Amount | Amount Disbursed |
|-----------|------------------|------------------|
| Delta | \$29,126 | \$29,126 |
| Hill | \$37,772 | \$37,772 |
| Hunt | \$160,200 | \$100,000 |
| Jackson | \$271,798 | \$271,798 |
| Jefferson | \$136,307 | \$136,307 |
| Total | \$635,203 | \$575,003 |

Equalization Disbursement

This fiscal year the Task Force made twelve million (\$12,000,000) available for Equalization Disbursements. This amount represents 42.2% of total grant funding. These disbursements provide additional state funds to counties with the lowest percentage of state reimbursements compared to overall increased indigent defense costs. With this funding, the Task Force was able to reimburse every qualifying county for at least 29% of their increased indigent defense costs.

One hundred twelve (112) counties received payment under this program. The size of payments varied from \$132 to over \$2,000,000. See Appendix G for listing of disbursements.

Discretionary Grant

The Task Force also distributes funds in the form of discretionary grants. Discretionary grants are awarded on a competitive basis to assist counties to develop 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 is available for up to four years. Applications for discretionary grants are reviewed and scored by a select committee prior to being presented to the Grants and Reporting Committee and the full Task Force.

This year, multi-year grants established a regional public defender office with Bee, Live Oak, and McMullen counties, established the state’s first mental health private defender program in Lubbock County, and established a juvenile public defender division in Webb County. The total amount awarded for all discretionary grants in FY 2009 was \$3,807,656, which is 13.4% of total grant funding. A summary of each funded program is shown in Table 4 on the following page.



Table 4: Discretionary Grant Awards

| County | Grant Number | Program Title | Grant Award Amount |
|-----------|--------------|--|--------------------|
| Bee | 212-09-D12 | Regional Public Defender | \$478,384 |
| Lubbock | 212-09-D14 | Mental Health Private Defender Program | \$419,360 |
| Webb | 212-09-D16 | Juvenile Public Defender | \$331,420 |
| | | Sub-Total (New Multi Year) | \$1,229,164 |
| Bexar | 212-59-D01 | Appellate Public Defender Office | \$74,482 |
| Dallas | 212-59-D02 | Mental Health Division for Dallas Co. Public Defender Office | \$22,225 |
| Hidalgo | 212-59-D03 | Misdemeanor Public Defender Office | \$88,705 |
| Limestone | 212-59-D04 | Mental Health/Mental Retardation Contract Defense Program | \$47,090 |
| Val Verde | 212-69-D06 | Regional Public Defender Program | \$233,152 |
| Kaufman | 212-79-D07 | Public Defender Initiative | \$126,192 |
| Travis | 212-79-D08 | Mental Health Public Defender Office | \$375,000 |
| Willacy | 212-79-D09 | Public Defender Program | \$134,748 |
| Bowie | 212-89-D10 | Bowie Co. Public Defender Initiative | \$448,138 |
| Lubbock | 212-89-D11 | Regional Public Defender – Cap. Murder | \$978,046 |
| | | Sub-Total (Continued Multi Year) | \$2,527,778 |
| Burnet | 212-09-D13 | Indigent Defense Coordinator | \$34,184 |
| Red River | 212-09-D15 | Video Tele-Conferencing Program | \$16,530 |
| | | Sub-Total (New Single Year) | \$50,714 |
| | | Total – Multi / Continued Multi / Single | \$3,807,656 |

Technical Support/Targeted Specific Funding

The Task Force coordinates with counties to develop technical support projects to improve indigent defense services. All projects should raise the knowledge base about indigent defense or establish processes that have the potential to be model programs. In FY 2009, \$4,211 was disbursed to Harris County to develop a training curriculum for attorneys on the mental health appointment wheel. El Paso County was provided \$5,000 to help facilitate a workflow assessment and redesign of their Capital Murder Unit.

The Task Force staff works with counties to develop appropriate program elements and evaluation measures to address compliance issues related to the Fair Defense Act, and targeted funding is available to address specific issues identified by staff in site or compliance monitoring visits. Under targeted specific funding, Cameron County received \$96,817 to create a new indigent defense services department. Cameron County received an additional \$105,000 to address the current backlog of inmates in the county jail who have not bonded out and may qualify for court appointed counsel.

Total amount designated for Technical Support/Targeted Specific is \$211,028, which is 0.7% of total grant funding.

V. Other

Innocence Projects

The Task Force continues to implement a rider that directs up to \$800,000 each biennium to innocence projects for the law schools at the University of Houston, the University of Texas, Texas Southern University and Texas Tech University to assist people wrongly convicted of crimes. When an investigation reveals a potentially provable case of actual innocence, the projects then work to pursue remedies for the inmate through the courts or clemency procedures. Innocence projects involve law students working under supervision of professors. This fiscal year, expenditures totaled \$364,812. Expenditures for FY 2006 through 2009 are shown in the Table below.

Table 5: Innocence Project Expenditures

| Law School | FY 2006 | FY 2007 | FY 2008 | FY 2009 | Total |
|---------------------------|-----------|-----------|-----------|-----------|-------------|
| University of Houston | \$86,293 | \$113,707 | \$100,000 | \$96,731 | \$396,731 |
| University of Texas | \$79,109 | \$106,372 | \$65,887 | \$125,845 | \$377,213 |
| Texas Southern University | \$0 | \$17,500 | \$29,167 | \$42,236 | \$88,903 |
| Texas Tech University | \$99,901 | \$99,988 | \$100,000 | \$100,000 | \$399,889 |
| Total Expended | \$265,303 | \$337,567 | \$295,053 | \$364,812 | \$1,262,735 |

Indigent Inmate Defense Claims

For FY 2008-09, the Task Force reimbursed counties for court-appointed legal counsel expenses in indigent inmate conflict cases. This process applies to a defendant who is an indigent inmate charged with an offense committed while in the custody of the Institutions Division or other correctional facility operated by the Texas Department of Criminal Justice (TDCJ) and where the court determines that the use of an attorney from the State Counsel for Offenders office presents a conflict of interest.

Prior to FY 2008, reimbursements for these indigent inmate conflict cases were paid by the State Comptroller’s Office from its Miscellaneous Claims appropriation. With passage of H.B. 1267, 80th Legislature, R.S., these funds were no longer available to pay these reimbursement claims. To deal with this deficit, the Task Force adopted a policy that allows these claims to be paid from the Fair Defense Account rather than the Miscellaneous Claims appropriation during the FY 2008-09 biennium. This fiscal year, the Task Force reimbursed two counties a total of \$106,280 for their indigent inmate expenses as shown in the Table below.

Table 6: Indigent Inmate Defense Reimbursements

| County | Amount Requested | Amount Reimbursed |
|--------------|------------------|-------------------|
| Tyler | \$750 | \$750 |
| Walker | \$105,530 | \$105,530 |
| Total | \$106,280 | \$106,280 |



Appendix A - Remarks as Prepared for Delivery by Attorney General Eric Holder at the American Council of Chief Defenders Conference, Wednesday, June 24, 2009

Thank you, Joann. I'm very pleased to be here.

I'm grateful to have this opportunity to bring the Department of Justice into the conversation you are having about equal justice. Ten years ago, when I was Deputy Attorney General, I worked with Attorney General Janet Reno to begin a national dialogue on indigent defense. We brought together the defense bar, prosecutors, judges, and others to talk about the crisis in our public defense system and to explore solutions. We held two national conferences – one in 1999 and one in 2000 – during which Janet and I helped NLADA launch the American Council of Chief Defenders.

Yet despite this promising start a decade ago, it is clear to me that the crisis in indigent defense has not ended. And the Justice Department has not remained an active part of the conversation about indigent defense in recent years. Groups like you have been carrying the mantle, but you should not have to carry it alone. When I took the oath of office as Attorney General, I swore to support and defend the Constitution of the United States. Supporting and defending the Constitution includes, in my view, a responsibility to serve as guardians of the rights of all Americans, including the poor and underprivileged.

Now, the obstacles to representing the indigent are well-known. We know that resources for public defender programs lag far behind other justice system programs – they constitute about 3 percent of all criminal justice expenditures in our nation's largest counties. In many cases, contract attorneys and assigned lawyers often receive compensation that doesn't even cover their overhead. We know that defenders in many jurisdictions carry huge caseloads that make it difficult for them to fulfill their legal and ethical responsibilities to their clients. We hear of lawyers who cannot interview their clients properly, file appropriate motions, conduct fact investigations, or do many of the other things an attorney should be able to do as a matter of course. Finally, we know that there are numerous institutional challenges in public defense systems, like budget shortfalls.

These challenges are not new. Justice Hugo Black saw the problem 45 years ago and wrote that “[t]here can be no equal justice where the kind of trial a man gets depends on the amount of money he has.” What can be done?

Let me start with a first principle. Some may perceive the goals of the prosecution and the goals of the defense as irreconcilable – that those who represent the state and those who represent the accused are forever at odds. I served as a prosecutor for many years, and I strongly reject that premise. Our system of justice is adversarial to be sure, but the prosecutor is a special kind of adversary – for criminal litigation is not like civil litigation in one important way. As the Supreme Court described United States Attorneys long ago, prosecutors are representatives “not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” Let me repeat – our goal at the Department of Justice is “that justice shall be done.” That means that when the system breaks down, we all lose. And this is true not just because our shared principles are undermined, but for practical reasons too. When defendants fail to

receive competent legal representation, their cases are vulnerable to costly mistakes that can take a long time to correct. Lawyers on both sides can spend years dealing with appeals arising from technical infractions and procedural errors. When that happens, no one wins.

It also means that we at the Department put a premium on truth-seeking. The Department's commitment to ensuring that justice is done is why, for example, I think defendants should have access to DNA evidence in a range of circumstances. DNA testing has an unparalleled ability to exonerate the wrongfully convicted as well as to identify the guilty. As you know, the Supreme Court held last week that there is no substantive due process right to access DNA evidence in post-conviction proceedings. But the Department distinguishes what is constitutional from what is good policy. And we have maintained that in a full and fair justice system, it is good policy to permit such access. Federal law already guarantees access to DNA evidence held by the federal government under specific conditions, and I hope that all states will follow the federal government's lead on this issue.

Now, with that same goal of doing justice in mind, I am very glad to be here today and to renew the Department's commitment to improving the indigent defense system by announcing five first steps that will bring us closer to making sure that we achieve our goal.

First, I want to resume the dialogue that we started a decade ago. The Constitution Project has done excellent work in describing the state of indigent defense in its report, *Justice Denied*. As the report pointed out, many jurisdictions have made great progress in their public defense systems in recent years, but wholesale improvements have been elusive. We've heard from many of you that the key players need to sit down together, take stock of the progress, and figure out where we go from here. I will begin by meeting the leadership of the NLADA and other groups to discuss the Department's role in guaranteeing the true right to counsel. And together we will chart a course for how we can work to ensure fair and impartial justice for all Americans, particularly with so many Americans suffering in this economy.

Second, I want to expand and sustain today's conversation by holding regular meetings with the criminal defense bar. This will be a resumption of meetings that former Attorney General Ed Meese started in the 1980s and that Janet Reno resumed during her tenure. I want to pick up where they left off and to make sure that this time, we include you, the members of the indigent defense community. During these meetings, I want to discuss topical issues of interest and concern to you and to explore how we can find the resources necessary to address the challenges that have been identified. This will be a chance for public defense representatives to give us their feedback on how well our criminal justice system works.

Third, I want to make sure that public defenders are at the table when we meet with other stakeholders in the criminal justice system. I have asked the Deputy Attorney General, who I know is deeply concerned about issues relating to indigent defense, to encourage components in the Department to include members of the public defense system in a range of meetings. We will also involve you in conferences, application review panels, and other venues where a public defense perspective can be valuable.

Fourth, we will expand our commitment to collect accurate and meaningful data on public defense programs, so as to be better equipped to help them. For example, the Census of Public Defender Offices administered by our Bureau of Justice Statistics currently does not collect information regarding the services provided by contract and pro-bono attorneys. We need to capture those services by surveying a sample representative of all participants in the system.

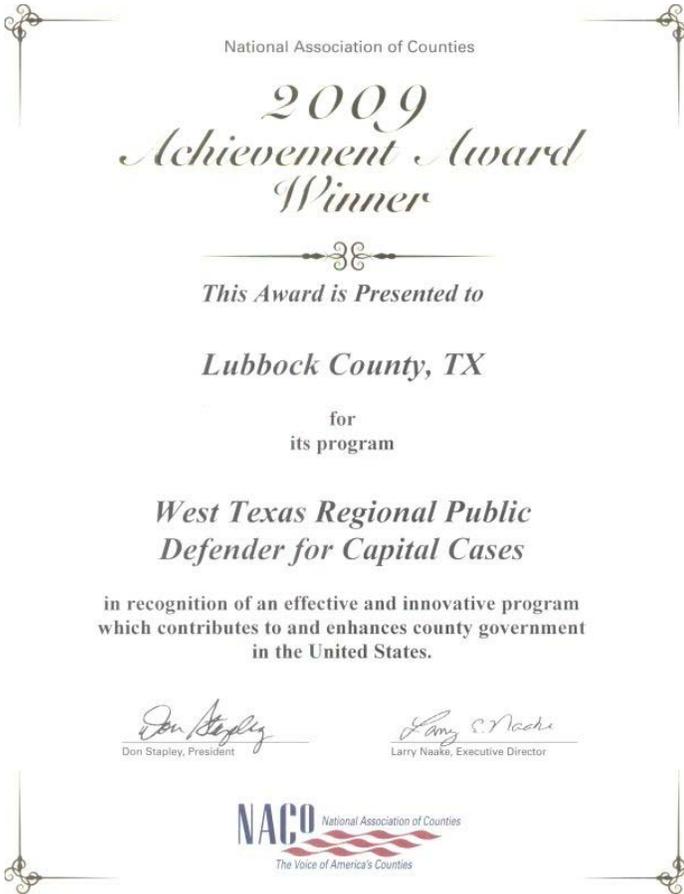
Fifth, and finally, the Department will host a national conference focusing on issues relating to indigent defense. This conference will build on the two conferences held in 1999 and 2000, which centered on strategy development and innovative collaborations. We hope that this conference will help to develop a series of best practices among indigent defense programs throughout the country. We also hope to highlight innovative programs and efforts, including those that use tools like technology and mentoring in new and effective ways. Finally, a major goal of this conference will be to help public defense programs strategize about how to get involved in the decision-making process related to funding and, generally, find support in difficult economic times. As you can tell, this is an ambitious agenda – that’s because there is a lot that can be done. Putting together the conference and achieving its goals will require help from people like you, who are in the trenches of indigent defense, and I have asked Laurie Robinson and her team at the Office of Justice Programs to consult with members of your bar in planning the conference.

These five Department-wide efforts focus on gathering and sharing information about what works and what is needed in our public defense system. You will hear from Laurie in a moment about several other efforts that we have under way.

Let me end by going back to first principles. Justice Black, the author of *Gideon*, himself came from very humble origins. He was born in poor, rural Harlan, Kentucky, and he often referred to himself as “just a Clay County hillbilly.” Yet he was one of the most eloquent spokespersons for equal justice in our nation’s history. Twenty years before *Gideon*, he made his principled dissent in the *Betts* case. He said: “A practice cannot be reconciled with common and fundamental ideas of fairness and right which subjects men to increased dangers of conviction merely because of their poverty.” Two decades would pass before that principle found a place in his opinion for the majority of the Court in *Gideon*. Justice Black must have felt great frustration in those 20 years between *Betts* and *Gideon*, but progress eventually came with time and perseverance. Another 45 years have passed since *Gideon*, and the promise of *Gideon* remains not fully fulfilled. It’s our responsibility to continue to work toward realizing the principle that Justice Black described and worked for. Justice shall not be done until we do. I look forward to working with all of you.

Thank you.

Appendix B – Lubbock County NACo Awards



Appendix B – Lubbock County Press Release about the Awards

FOR IMMEDIATE RELEASE:

Lubbock County Receives Multiple National Awards

Lubbock, TX, June 8, 2009 – Lubbock County was notified today that it has been awarded multiple national awards from the National Association of Counties. The awards are for the West Texas Regional Public Defender for Capital Cases and the Court Accountability through CourTools project.

The National Association of Counties (NACo) awarded the West Texas Regional Public Defender for Capital Cases with its 2009 Best of Category Award in the Criminal Justice and Public Safety Category. This was in addition to the 2009 Achievement Award bestowed upon the office. There were only twenty Best of Category Awards conferred nationwide, which are given to recognize the most outstanding model programs submitted to the award competition.

In addition, the NACo awarded the Court Accountability through CourTools project with a 2009 Achievement Award in the Court Administration and Management Category.

Executive Director of NACo Larry E. Naake stated, “NACo is proud to confer these awards and recognize Lubbock County’s hard work to promote quality, efficient and responsive management and administration. Your county should be proud of its work.”

Precinct 4 Commissioner Patti Jones stated, “It is really exciting to see these programs recognized by others outside of Lubbock County. All of us are proud of the work that has been put into delivering a better service for our citizens through these innovative programs.”

Chief Public Defender Jack Stoffregen was ecstatic with the recognition, “Our office is obviously pleased with NACo’s acknowledgement. It is both interesting and pleasing that an indigent defense program has won a national award in the best of the best category for criminal justice and public safety.”

The West Texas Regional Public Defender for Capital Cases (WTRPD) was established in November 2007 as a collaboration of sixty-five counties in West Texas to provide indigent defense services to individuals charged with the offense of capital murder. The region covers 64,353 square miles with a population of approximately 1,444,015 people. The office was established in response to the counties’ desire to have qualified expert defense services available at an affordable cost to the counties. With that in mind, the counties banded together to create a cost-sharing system where all counties could benefit from the services of public defenders, mitigation experts, investigators and legal secretaries at a reduced and consistent cost. The office began accepting clients in January 2008 and has represented fourteen capital murder defendants in eleven counties to date. Because of the arrangement, counties have already saved over \$300,000, excluding expert and travel expenses. This savings will continue to grow when one or more of the cases proceed to a contested death penalty trial.

Beginning in 2005, the Lubbock County District Courts and County Courts at Law began using the CourTools measures to allow the public to “judge the judges.” That year the Courts implemented seven of the ten measures, followed by nine of the measures in 2006 and all ten measures in 2007. Not only do the measures allow the Courts to be accountable to the citizens, they also have allowed the Courts and others to measure the successfulness of its programs and initiatives. The Courts have taken the CourTools measures to an increased level of transparency by publically releasing the report each year and by establishing strategies for improving deficient areas identified in the report. While not all information in the report is positive, the Courts have experienced increased public respect from citizens and funding bodies simply due to the efforts to be accountable and improve its performance.

A formal awards ceremony will occur at NACo’s 13th Annual Awards Ceremony in Nashville, Tennessee, on July 26.

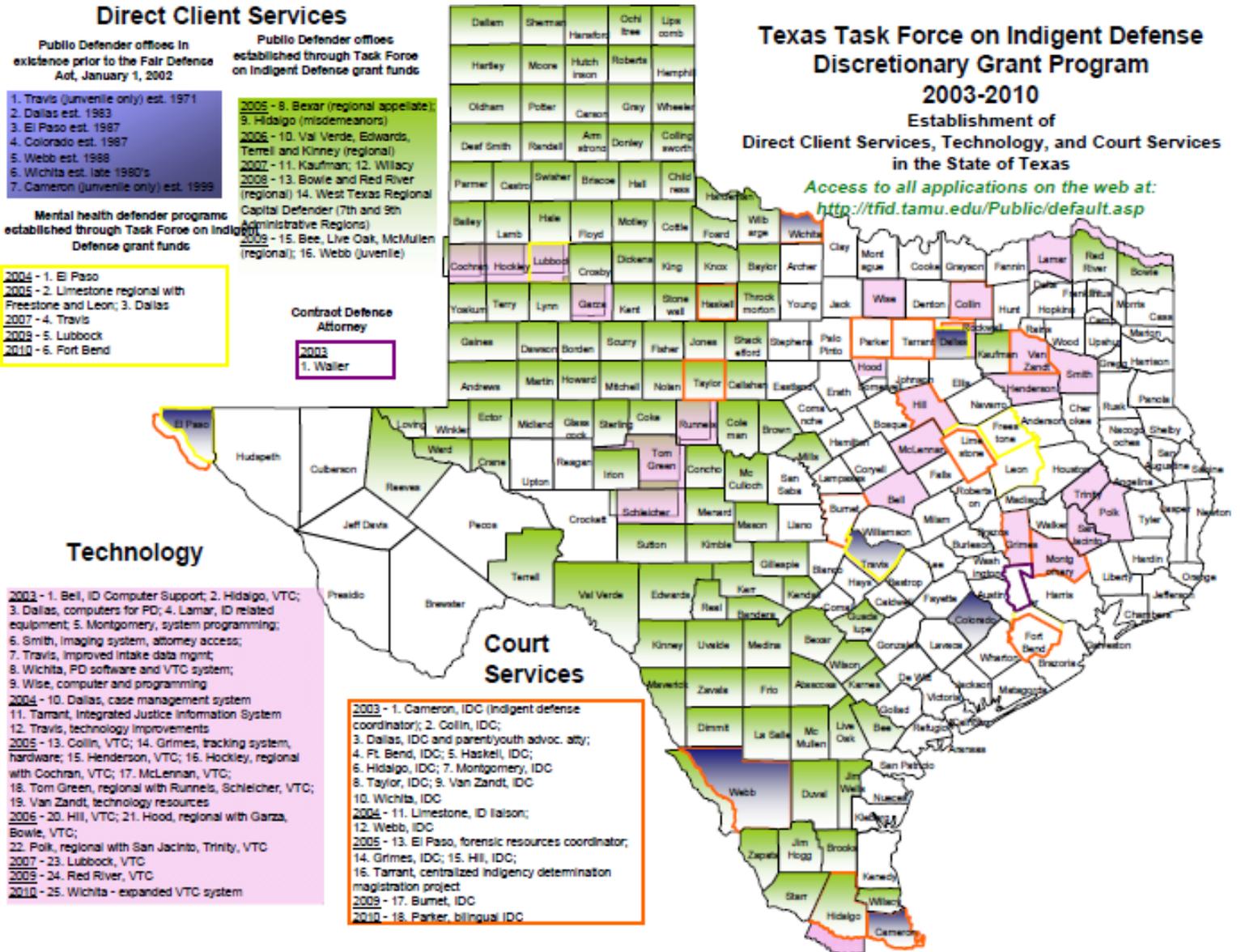
Contact: David Slayton
Director of Court Administration
Lubbock County
806-775-1020
806-767-9656
dslayton@co.lubbock.tx.us
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Appendix C – Summary of Policy Monitoring Visits

| County | Dates | Issues Addressed |
|----------|--|--|
| Maverick | 10/14 - 10/16/08 | The monitoring visit addressed the ability to request appointed counsel at magistration; article 15.17 hearing. |
| Zavala | 10/15/2008 | The monitoring visit addressed the ability to request appointed counsel at magistration; article 15.17 hearing. |
| Hidalgo | 2/9 - 2/13/2009 | The monitoring visit addressed the juvenile detention hearing and the distribution of attorney appointments; article 15.17 hearing. |
| Angelina | 3/10 - 3/12/2009 | The monitoring visit focused on the County's implementation of its magistrate's warnings and on amendments to the local indigent defense plan; article 15.17 hearing. |
| Potter | 5/11 - 5/12/2009 | A follow-up monitoring visit addressed issues with transmitting requests for counsel from the magistrate to the appointing authority and with handling waivers of counsel. |
| Midland | 11/19 – 11/20/2008 6/11 – 6/12/2009 | Two follow-up monitoring visits focused on transmitting misdemeanor requests for counsel from the magistrate to the appointing authority and on handling waivers of counsel. |
| Denton | 6/29/2009 | A follow-up monitoring visit focused on the distribution of attorney appointments. |
| Dallas | 5/26 - 5/29/2009 | A follow-up monitoring visit focused on the timeliness of attorney appointments and on the distribution of attorney appointments. The County has addressed all issues through action plans with definite timetables for completion. A new software system is being rolled out to address the distribution of attorney appointments. Magistrate's warnings at municipalities are moving to centralized warnings where a County magistrate conducts hearings via a video-teleconference session. |

Appendix D - Map of Discretionary Grant Programs 2003-2010 Across the State



Appendix E - Fiscal Monitoring

| FY 2009 Fiscal Monitoring and Technical Assistance Visits | | |
|--|---------------------------|----------------------|
| County | Date of Site Visit | Type of Visit |
| Cooke | October 7-8, 2008 | fiscal |
| Grayson | October 8, 2008 | tech assist |
| Delta | October 9, 2008 | tech assist |
| Maverick | October 14-16, 2008 | fiscal |
| Zavala | October 15, 2008 | fiscal |
| Dimmit | October 17, 2008 | tech assist |
| Hidalgo | February 9-13, 2009 | fiscal |
| Brazos | February 24-26, 2009 | fiscal |
| Zapata | March 9-10, 2009 | tech assist |
| Van Zandt | March 17-19, 2009 | fiscal |
| Palo Pinto | March 24-26, 2009 | fiscal |
| Brazoria | May 26-29, 2009 | fiscal |
| Wichita | July 7-10, 2009 | fiscal |
| Guadalupe | July 17, 2009 | tech assist |
| Bell | August 10-14, 2009 | fiscal |
| Liberty | August 19-20, 2009 | fiscal |

Appendix F – FY 2009 Formula Grant Awards

| County | Grant Award |
|-----------|-------------|
| Anderson | \$30,352 |
| Andrews | \$11,011 |
| Angelina | \$42,183 |
| Aransas | \$16,294 |
| Archer | \$9,056 |
| Armstrong | \$5,983 |
| Atascosa | \$24,205 |
| Austin | \$17,306 |
| Bandera | \$13,953 |
| Bastrop | \$37,801 |
| Baylor | \$6,822 |
| Bee | \$19,953 |
| Bell | \$128,109 |
| Bexar | \$711,711 |
| Blanco | \$9,222 |
| Bosque | \$13,252 |
| Bowie | \$47,195 |
| Brazoria | \$136,334 |
| Brazos | \$81,729 |
| Brewster | \$9,149 |
| Brooks | \$8,499 |
| Brown | \$22,485 |
| Burleson | \$13,204 |
| Burnet | \$23,557 |
| Caldwell | \$21,037 |
| Calhoun | \$14,435 |
| Callahan | \$11,087 |
| Cameron | \$182,899 |
| Camp | \$10,731 |
| Carson | \$7,926 |
| Cass | \$18,808 |
| Castro | \$8,374 |
| Chambers | \$19,705 |
| Cherokee | \$26,725 |
| Childress | \$8,483 |
| Clay | \$9,996 |
| Cochran | \$6,618 |
| Coke | \$6,739 |

| County | Grant Award |
|---------------|-------------|
| Coleman | \$8,987 |
| Collin | \$327,986 |
| Collingsworth | \$6,297 |
| Colorado | \$14,870 |
| Comal | \$52,464 |
| Comanche | \$11,373 |
| Cooke | \$23,175 |
| Coryell | \$39,325 |
| Crane | \$6,737 |
| Crosby | \$8,858 |
| Dallam | \$7,811 |
| Dallas | \$1,067,273 |
| Deaf Smith | \$13,399 |
| Denton | \$278,010 |
| DeWitt | \$14,157 |
| Donley | \$6,759 |
| Eastland | \$13,250 |
| Ector | \$62,885 |
| Edwards | \$5,837 |
| El Paso | \$343,360 |
| Ellis | \$69,049 |
| Erath | \$20,496 |
| Falls | \$13,106 |
| Fannin | \$20,363 |
| Fayette | \$15,864 |
| Fort Bend | \$231,589 |
| Franklin | \$9,675 |
| Freestone | \$13,802 |
| Frio | \$12,332 |
| Gaines | \$11,856 |
| Galveston | \$133,523 |
| Garza | \$7,300 |
| Gillespie | \$15,959 |
| Goliad | \$8,258 |
| Gonzales | \$13,614 |
| Gray | \$15,164 |
| Grayson | \$58,532 |
| Gregg | \$58,667 |

| County | Grant Award |
|------------|-------------|
| Grimes | \$16,156 |
| Guadalupe | \$56,653 |
| Hale | \$21,127 |
| Hall | \$6,631 |
| Hamilton | \$8,856 |
| Hansford | \$7,264 |
| Hardeman | \$6,978 |
| Hardin | \$27,740 |
| Harris | \$1,760,358 |
| Harrison | \$33,730 |
| Hartley | \$7,506 |
| Haskell | \$7,553 |
| Hays | \$67,100 |
| Hemphill | \$6,548 |
| Henderson | \$40,882 |
| Hidalgo | \$330,685 |
| Hill | \$20,827 |
| Hockley | \$15,018 |
| Hood | \$27,416 |
| Hopkins | \$20,408 |
| Houston | \$15,705 |
| Howard | \$19,780 |
| Hunt | \$42,528 |
| Hutchinson | \$15,304 |
| Irion | \$5,784 |
| Jack | \$9,001 |
| Jackson | \$11,572 |
| Jasper | \$20,565 |
| Jefferson | \$115,422 |
| Jim Wells | \$23,609 |
| Johnson | \$74,014 |
| Jones | \$14,102 |
| Kaufman | \$48,261 |
| Kendall | \$19,114 |
| Kent | \$5,375 |
| Kerr | \$26,317 |
| Kimble | \$7,083 |
| Kinney | \$6,495 |



| County | Grant Award |
|-------------|-------------|
| Kleberg | \$18,621 |
| Knox | \$6,785 |
| La Salle | \$7,648 |
| Lamar | \$27,407 |
| Lamb | \$11,553 |
| Lampasas | \$14,358 |
| Lee | \$12,602 |
| Leon | \$12,296 |
| Liberty | \$39,837 |
| Limestone | \$15,015 |
| Lipscomb | \$6,416 |
| Llano | \$13,615 |
| Loving | \$5,027 |
| Lubbock | \$119,875 |
| Lynn | \$7,806 |
| Madison | \$11,115 |
| Marion | \$9,891 |
| Mason | \$6,641 |
| Matagorda | \$21,626 |
| Maverick | \$28,663 |
| McCulloch | \$8,648 |
| McLennan | \$106,306 |
| Medina | \$24,721 |
| Menard | \$6,027 |
| Midland | \$62,085 |
| Milam | \$16,540 |
| Mills | \$7,346 |
| Mitchell | \$9,329 |
| Montague | \$13,912 |
| Montgomery | \$190,779 |
| Moore | \$13,959 |
| Morris | \$10,957 |
| Nacogdoches | \$33,485 |
| Navarro | \$27,052 |
| Newton | \$11,399 |
| Nueces | \$148,712 |
| Ochiltree | \$9,212 |
| Orange | \$42,781 |
| Palo Pinto | \$17,690 |
| Panola | \$15,489 |
| Parker | \$53,836 |

| County | Grant Award |
|---------------|-------------|
| Parmer | \$9,393 |
| Pecos | \$12,430 |
| Polk | \$25,962 |
| Potter | \$60,069 |
| Randall | \$55,473 |
| Reagan | \$6,356 |
| Real | \$6,492 |
| Red River | \$11,287 |
| Reeves | \$10,225 |
| Refugio | \$8,373 |
| Roberts | \$5,385 |
| Robertson | \$12,262 |
| Rockwall | \$38,330 |
| Runnels | \$9,910 |
| Rusk | \$26,742 |
| Sabine | \$9,714 |
| San Augustine | \$9,186 |
| San Jacinto | \$16,169 |
| San Patricio | \$36,315 |
| San Saba | \$7,731 |
| Schleicher | \$6,325 |
| Scurry | \$12,152 |
| Shackelford | \$6,468 |
| Shelby | \$16,615 |
| Sherman | \$6,349 |
| Smith | \$93,730 |
| Somervell | \$8,643 |
| Starr | \$33,369 |
| Stephens | \$9,252 |
| Sterling | \$5,529 |
| Sutton | \$6,904 |
| Swisher | \$8,645 |
| Tarrant | \$766,058 |
| Taylor | \$62,740 |
| Terrell | \$5,448 |
| Terry | \$10,541 |
| Throckmorton | \$5,832 |
| Titus | \$18,706 |
| Tom Green | \$51,500 |
| Travis | \$429,859 |
| Trinity | \$11,395 |

| County | Grant Award |
|------------|--------------|
| Tyler | \$14,442 |
| Upshur | \$21,925 |
| Upton | \$6,446 |
| Val Verde | \$26,327 |
| Van Zandt | \$28,591 |
| Victoria | \$44,057 |
| Walker | \$33,923 |
| Waller | \$22,755 |
| Ward | \$9,651 |
| Washington | \$19,568 |
| Webb | \$111,874 |
| Wharton | \$24,026 |
| Wheeler | \$7,285 |
| Wichita | \$64,161 |
| Wilbarger | \$11,397 |
| Willacy | \$14,448 |
| Williamson | \$167,060 |
| Wilson | \$22,847 |
| Winkler | \$8,099 |
| Wise | \$30,715 |
| Wood | \$24,160 |
| Yoakum | \$8,275 |
| Young | \$13,222 |
| Zapata | \$11,422 |
| Zavala | \$10,265 |
| Total | \$11,728,773 |



Appendix G – FY 2009 Equalization Disbursements

| County | Total \$12m Equalization Payment |
|-----------|----------------------------------|
| Anderson | \$23,272 |
| Andrews | \$0 |
| Angelina | \$0 |
| Aransas | \$0 |
| Archer | \$0 |
| Armstrong | \$0 |
| Atascosa | \$30,108 |
| Austin | \$0 |
| Bailey | \$132 |
| Bandera | \$2,840 |
| Bastrop | \$41,395 |
| Baylor | \$0 |
| Bee | \$10,121 |
| Bell | \$182,958 |
| Bexar | \$732,820 |
| Blanco | \$0 |
| Borden | \$0 |
| Bosque | \$0 |
| Bowie | \$0 |
| Brazoria | \$256,523 |
| Brazos | \$56,614 |
| Brewster | \$0 |
| Briscoe | \$0 |
| Brooks | \$0 |
| Brown | \$64,638 |
| Burleson | \$9,084 |
| Burnet | \$32,604 |
| Caldwell | \$8,447 |
| Calhoun | \$0 |
| Callahan | \$0 |
| Cameron | \$0 |
| Camp | \$0 |
| Carson | \$6,087 |
| Cass | \$16,535 |
| Castro | \$0 |
| Chambers | \$0 |
| Cherokee | \$0 |

| County | Total \$12m Equalization Payment |
|---------------|----------------------------------|
| Childress | \$3,824 |
| Clay | \$0 |
| Cochran | \$0 |
| Coke | \$0 |
| Coleman | \$0 |
| Collin | \$238,846 |
| Collingsworth | \$0 |
| Colorado | \$0 |
| Comal | \$0 |
| Comanche | \$0 |
| Concho | \$0 |
| Cooke | \$19,940 |
| Coryell | \$9,404 |
| Cottle | \$0 |
| Crane | \$0 |
| Crockett | \$22,130 |
| Crosby | \$0 |
| Culberson | \$0 |
| Dallam | \$192 |
| Dallas | \$706,043 |
| Dawson | \$0 |
| Deaf Smith | \$3,410 |
| Delta | \$0 |
| Denton | \$44,548 |
| DeWitt | \$0 |
| Dickens | \$0 |
| Dimmit | \$0 |
| Donley | \$0 |
| Duval | \$0 |
| Eastland | \$36,386 |
| Ector | \$43,861 |
| Edwards | \$0 |
| El Paso | \$727,320 |
| Ellis | \$142,275 |
| Erath | \$0 |
| Falls | \$0 |
| Fannin | \$46,185 |

| County | Total \$12m Equalization Payment |
|-----------|----------------------------------|
| Fayette | \$10,209 |
| Fisher | \$0 |
| Floyd | \$0 |
| Foard | \$0 |
| Fort Bend | \$493,192 |
| Franklin | \$5,984 |
| Freestone | \$1,577 |
| Frio | \$0 |
| Gaines | \$0 |
| Galveston | \$308,241 |
| Garza | \$0 |
| Gillespie | \$0 |
| Glasscock | \$0 |
| Goliad | \$0 |
| Gonzales | \$0 |
| Gray | \$43,970 |
| Grayson | \$46,112 |
| Gregg | \$19,649 |
| Grimes | \$0 |
| Guadalupe | \$18,214 |
| Hale | \$0 |
| Hall | \$390 |
| Hamilton | \$0 |
| Hansford | \$0 |
| Hardeman | \$0 |
| Hardin | \$0 |
| Harris | \$2,058,873 |
| Harrison | \$27,672 |
| Hartley | \$2,961 |
| Haskell | \$4,103 |
| Hays | \$14,647 |
| Hemphill | \$0 |
| Henderson | \$118,981 |
| Hidalgo | \$593,797 |
| Hill | \$21,239 |
| Hockley | \$0 |
| Hood | \$32,416 |



| County | Total \$12m Equalization Payment |
|------------|----------------------------------|
| Hopkins | \$0 |
| Houston | \$7,833 |
| Howard | \$5,662 |
| Hudspeth | \$0 |
| Hunt | \$122,251 |
| Hutchinson | \$4,122 |
| Irion | \$0 |
| Jack | \$6,026 |
| Jackson | \$44,660 |
| Jasper | \$0 |
| Jeff Davis | \$0 |
| Jefferson | \$120,590 |
| Jim Hogg | \$2,665 |
| Jim Wells | \$0 |
| Johnson | \$92,999 |
| Jones | \$1,382 |
| Karnes | \$0 |
| Kaufman | \$11,382 |
| Kendall | \$10,388 |
| Kenedy | \$0 |
| Kent | \$0 |
| Kerr | \$29,708 |
| Kimble | \$378 |
| King | \$0 |
| Kinney | \$0 |
| Kleberg | \$0 |
| Knox | \$0 |
| La Salle | \$0 |
| Lamar | \$80,776 |
| Lamb | \$0 |
| Lampasas | \$10,741 |
| Lavaca | \$0 |
| Lee | \$0 |
| Leon | \$0 |
| Liberty | \$21,493 |
| Limestone | \$0 |
| Lipscomb | \$0 |
| Live Oak | \$0 |
| Llano | \$3,064 |
| Loving | \$0 |
| Lubbock | \$0 |

| County | Total \$12m Equalization Payment |
|-------------|----------------------------------|
| Lynn | \$0 |
| Madison | \$0 |
| Marion | \$0 |
| Martin | \$0 |
| Mason | \$0 |
| Matagorda | \$10,512 |
| Maverick | \$0 |
| McCulloch | \$0 |
| McLennan | \$330,062 |
| McMullen | \$1,105 |
| Medina | \$0 |
| Menard | \$0 |
| Midland | \$5,754 |
| Milam | \$0 |
| Mills | \$0 |
| Mitchell | \$0 |
| Montague | \$0 |
| Montgomery | \$441,662 |
| Moore | \$23,765 |
| Morris | \$2,831 |
| Motley | \$0 |
| Nacogdoches | \$19,351 |
| Navarro | \$34,984 |
| Newton | \$0 |
| Nolan | \$0 |
| Nueces | \$318,642 |
| Ochiltree | \$0 |
| Oldham | \$0 |
| Orange | \$0 |
| Palo Pinto | \$0 |
| Panola | \$15,063 |
| Parker | \$105,733 |
| Parmer | \$0 |
| Pecos | \$0 |
| Polk | \$58,297 |
| Potter | \$0 |
| Presidio | \$0 |
| Rains | \$1,806 |
| Randall | \$40,759 |
| Reagan | \$0 |
| Real | \$0 |

| County | Total \$12m Equalization Payment |
|---------------|----------------------------------|
| Red River | \$3,152 |
| Reeves | \$922 |
| Refugio | \$0 |
| Roberts | \$0 |
| Robertson | \$0 |
| Rockwall | \$6,870 |
| Runnels | \$0 |
| Rusk | \$78,995 |
| Sabine | \$0 |
| San Augustine | \$0 |
| San Jacinto | \$0 |
| San Patricio | \$0 |
| San Saba | \$0 |
| Schleicher | \$0 |
| Scurry | \$0 |
| Shackelford | \$0 |
| Shelby | \$0 |
| Sherman | \$0 |
| Smith | \$130,921 |
| Somervell | \$0 |
| Starr | \$0 |
| Stephens | \$346 |
| Sterling | \$0 |
| Stonewall | \$0 |
| Sutton | \$1,763 |
| Swisher | \$0 |
| Tarrant | \$1,513,067 |
| Taylor | \$112,094 |
| Terrell | \$0 |
| Terry | \$0 |
| Throckmorton | \$0 |
| Titus | \$14,205 |
| Tom Green | \$34,530 |
| Travis | \$0 |
| Trinity | \$0 |
| Tyler | \$0 |
| Upshur | \$11,005 |
| Upton | \$2,056 |
| Uvalde | \$0 |
| Val Verde | \$0 |
| Van Zandt | \$14,294 |



| County | Total \$12m Equalization Payment |
|---------------------|----------------------------------|
| Victoria | \$56,449 |
| Walker | \$27,977 |
| Waller | \$21,504 |
| Ward | \$3,942 |
| Washington | \$2,881 |
| Webb | \$336,372 |
| Wharton | \$0 |
| Wheeler | \$887 |
| Wichita | \$201,908 |
| Wilbarger | \$9,285 |
| Willacy | \$0 |
| Williamson | \$52,245 |
| Wilson | \$11,581 |
| Winkler | \$2,214 |
| Wise | \$10,723 |
| Wood | \$0 |
| Yoakum | \$744 |
| Young | \$4,173 |
| Zapata | \$5,680 |
| Zavala | \$0 |
| | \$12,000,000 |
| Number of Counties: | 112 |

