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December 2011

# indigent defense news in Texas

[www.txcourts.gov/tidc](http://www.txcourts.gov/tidc)

## INDIGENT DEFENSE EXPENSES LEVEL OFF IN FY2011

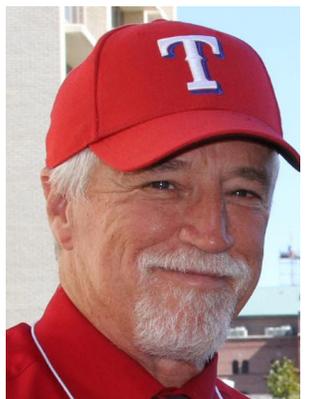
Statewide indigent defense expenses increased less than two percent in FY2011, showing a leveling of overall expenses. The main reason for the stabilization seems to be tied to an overall drop in cases added to local dockets rather than a decrease in appointment rates. According to the annual Indigent Defense Expenditure Reports (IDER) submitted to the Commission on November 1, Texas counties spent more than \$198 million on indigent defense expenses in FY2011, compared to an FY2010 total of slightly more than \$195 million. This is a 1.69% increase in overall spending. Spending between FY2009 and FY2010 increased by 4.38%. Another important fiscal consideration revealed by the IDERs is that counties collected over \$11.7 million from defendants in attorney fee recoupment. This represents about a 40% increase in the last five years. Another article in this newsletter provides suggested practices on attorney fee recoupment (See article on page 8). Counties received about \$500,000 from other state reimbursements. (This article is continued on page 4.)

## Message from the Chair

The Symposium on Indigent Defense that took place in October was dedicated to The Honorable Rusty Ladd (pictured below) who presented the keynote at last year's indigent defense workshop/conference. We lost a dear friend who will continue to inspire, in his words, "a matter of simple justice." (See the video here of his presentation on Why The Right to Counsel Matters.)

Judge Ladd will be missed.

*Sharon Keller, Chair,  
Texas Indigent Defense  
Commission, Presiding Judge,  
Court of Criminal Appeals*



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

# Message from the Executive Director

In October, the Texas Indigent Defense Commission and Senator Rodney Ellis joined with Texas judicial, county, and bar leaders and experts from across the country to celebrate the significant strides Texas has made since the passage of the Fair Defense Act a decade ago. Measurable improvements have been documented in the timing of appointment, methods of appointment, compensation for appointment, and level of State funding over the last ten years. Although much has been accomplished, all speakers illuminated the importance of the work that lies ahead.

Senator Ellis, who authored the Fair Defense Act, and Dr. Tony Fabelo combined forces to set the tone for the symposium by delivering a lively history lesson on the evolution of the right to counsel, as well as thoughts for an agenda as we look to the future. Next, author Amy Bach shared how she came to write her book *Ordinary Injustice* and how that work led to her current criminal justice improvement project called Measures for Justice. With this new non-profit organization Bach “seeks to design, create and deploy a broad-based Justice Index to objectively assess the performance of local criminal trial courts throughout the United States and enable continuous improvement in the ways fundamental legal services are delivered nationally. If legal professionals can be alerted to patterns of problems based on credible metrics, they can do their best work and everyone will receive the benefits afforded by the U.S. Constitution.”

Following Bach, Bell County Judge Jon Burrows moderated a panel discussion with other Bell County officials on the development of the innovative new Bell indigent defense web portal. This system is an example of the sort of tool Measures for Justice might champion. By streamlining appointments and payments and documenting how well the county and its court appointed attorneys are satisfying the requirements of the Fair Defense Act, the web-based system adds transparency that can lead to further system improvements.

Next, Alex Bunin highlighted the new Harris County Public Defender Office and Jessica Tyler discussed how the office is going to serve as a national learning site. Finishing out the morning section, President-Elect of the State Bar, Buck Files gave an inspirational presentation on the meaning of being a defense lawyer. After lunch, Jeff Blackburn, Andrea Marsh, and Chief Justice Brian Quinn discussed the State Bar’s new guidelines and how to get court appointed lawyers to do better. Tim Murray gave an excellent presentation on the high costs of shoddy pre-trial practices. John Gross provided a thorough summary of the indigent defense-related lawsuits pending in a number of states around the country.

Later in the day, we heard from Norm Lefstein, Professor of Law and Dean Emeritus of the Indiana University School of Law—Indianapolis. He provided a preview to his new book published by the ABA, *Securing Reasonable Caseloads: Ethics and Law in Public Defense*. This is no ordinary book. “For all those committed to justice, which I hope includes all Americans, this is a vital book by the nation’s leading scholar on indigent defense systems. . . His book is truly the first of its kind in a sorely understudied field.” (Quote by William S. Sessions in the Foreword of the book.) An electronic copy of the book is provided in the sidebar at left (click on cover of book).

John Rapping closed out the symposium by raising our awareness of how organizational culture impacts the practice of law and life. Links to all presentations are on the next page—I encourage you to watch them all—you will not be disappointed!

On behalf of the Commission I wish you and your family a safe and happy holiday season.

*James Bethke, Executive Director, Texas Indigent Defense Commission*

## Commission Members:

### Chair:

Sharon Keller

Presiding Judge, Court of Criminal Appeals

### Vice Chair:

Olen Underwood, Presiding Judge, 2nd Administrative Judicial Region of Texas

Roberto Alonzo, State Representative

Jon Burrows, Bell County Judge

Knox Fitzpatrick, Dallas Attorney, Fitzpatrick, Hagood, Smith & Uhl, L.L.P.

Pete Gallego, State Representative

Wallace B. Jefferson, Chief Justice, Supreme Court

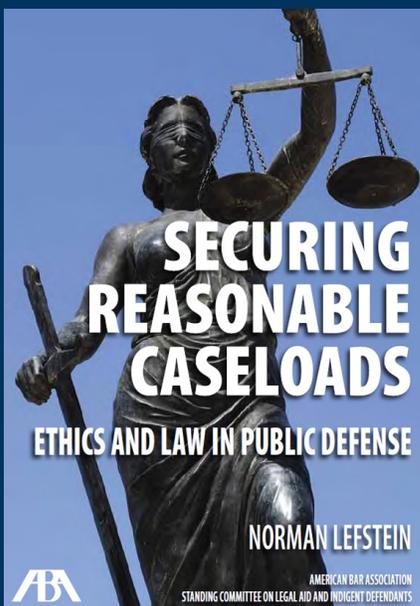
Tony Odiorne, Public Defender, West Texas Regional Capital Public Defender

Sherry Radack, Chief Justice, First Court of Appeals

Jeff Wentworth, State Senator

Glen Whitley, Tarrant County Judge

John Whitmire, State Senator



### About the Author

Norman Lefstein is Professor of Law and Dean Emeritus of the Indiana University School of Law—Indianapolis. He was dean of the law school from 1988 until 2002. Previously, Professor Lefstein was a faculty member at the University of North Carolina School of Law at Chapel Hill, and he has held visiting or adjunct appointments at the law schools of Duke, Georgetown, and Northwestern.

Professor Lefstein has served as director of the Public Defender Service for the District of Columbia, as an Assistant United States Attorney in D.C., and as a staff member in the Office of the Deputy Attorney General of the U.S. Department of Justice.



Click on the photo to see the presentation and enjoy our holiday gift to you (a true all-star line up in indigent defense)!

The Honorable **Sharon Keller**, Presiding Judge, Court of Criminal Appeals, Chair of the Commission; **Carl Reynolds**, Office of Court Administration, **Christopher Burnett**, Governor's Office Criminal Justice Division; **Jim Bethke**, Texas Indigent Defense Commission



**Jeff Blackburn**, criminal defense attorney, Amarillo; **Andrea Marsh**, Texas Fair Defense Project; Chief Justice **Brian Quinn**, 7th Court of Appeals

*Getting Lawyers To Do Better: The New State Bar Performance Guidelines*



**Dr. Tony Fabelo**, Justice Center-The Council for State Governments

Keynote: *Taking Gideon's Pulse: Impacts of the Texas Fair Defense Act 10 Years Later*



**Tim Murray**, Executive Director, Pretrial Justice Institute

*Pre-Trial Matters*



The Honorable **Rodney Ellis**, Texas State Senator

Keynote cont: *Background on passage of the Texas Fair Defense Act*



**Norm Lefstein**, Professor of Law and Dean Emeritus of the Indiana University School of Law-Indianapolis

*Securing Reasonable Caseloads: Ethics and Law in Public Defense*



**Amy Bach**, Attorney, Author

*Ordinary Injustice - How America Holds Court*



**John Gross**, Indigent Defense Counsel for The National Association of Criminal Defense Lawyers (NACDL)

*Lessons From Around the Nation*



The Honorable **Jon Burrows**, Bell County Judge, moderating; The Honorable **Fancy Jezek**, Presiding Judge, 426th District Judge in Bell County; **Brad Sibley**, Senior Consultant for Bell County

*Lone Star Solutions: Bell Indigent Defense Web Portal: Creating Transparency and Measuring Performance*



**Jonathan Rapping**, Founder/CEO, Southern Public Defender Training Center

*What Now? Strategies to Improve Justice Outcomes*



**Alex Bunin**, Chief Public Defender, Harris County; **Jessica Tyler**, Justice Center-The Council for State Governments

*Harris County Public Defender Office: A National Learning Site*



**Dr. Tony Fabelo**  
*Summary of the Day*



**Buck Files**, President-elect, State Bar of Texas

*For the Defense*



# GRANTS AND REPORTING UPDATE

## Expenses level off - continued from page one

In performing IDER reviews, staff discovered three common IDER errors:

- **Itemized invoices reflect cases paid:** Staff discovered that some payments are made without any itemization related to cases activity. Texas Code of Criminal Procedure Article 26.05 (c) states that “no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings ... approves the payment.” The Commission Expense Manual requires that the minimum itemization must be the number of cases associated with the payment.
- **Contract counsel not accurately reporting cases on their invoices:** Several counties that used contract systems were not able to meet the statutory requirements in the report because their contract attorneys did not complete invoices for payment.
- **Overuse of “Appointment Made, No charges filed” by certain counties:** Counties are required to report activity by court and by case type (felony, misdemeanor, juvenile) regardless of the case outcome. Several counties aggregated dismissals into the “appointment made, no charges filed” category rather than indicating the level of the original case. To prevent this error, this field may be dropped in future report options.

This year all Texas counties completed the report in early November. Over 85% of the counties completed the report early or on time. The Commission staff is grateful for the effort that county auditors and treasurers made to meet the statutory requirements. The desk reviews were completed by November 18, 2011. The data in this report is part of the Legislative Report that the Commission will submit by the end of the year. See the full report submitted by all counties [here](#).

The details of the expenses are in the table below:

Direct Court-Related Costs				
Attorney Fees	Licensed Investigators	Expert Witness	Other Direct Litigation Costs	Total of Direct ID Costs
148,268,608	\$4,224,869	\$5,739,620	\$5,665,793	<b>\$163,898,890</b>
90.46%	2.58%	3.50%	3.46%	
<b>Other Costs</b>				<b>\$0.00</b>
17 Counties reported Public Defender Office expenses				<b>\$30,733,141</b>
County payments for Regional Programs				<b>\$719,116</b>
26 Counties claimed increased Administrative Costs (over 2001)				<b>\$3,013,852</b>
<b>Total</b>				<b>\$198,364,999</b>

Contact Bryan Wilson, Grants Administrator, for more information about Commission expenditure data at (512)936-6996 or email him at [bryan.wilson@txcourts.gov](mailto:bryan.wilson@txcourts.gov).



## **Commission Releases Discretionary Grant RFA and Emphasizes Impact**

TIDC released the FY2013 Discretionary Grant Request for Applications (RFA) this week. Discretionary grants are awarded on a competitive basis to help local government create and develop new programs or processes that improve the delivery of indigent defense services. Priority programs are direct services to indigent defendants and establishment of public defender offices, including regional, mental health and juvenile, as well as programs in rural or mid-sized counties.

A growing emphasis has also been placed on programs that put into place an evaluation plan that can determine the impact of the program on the county. Program evaluations help the Commission set priorities for funding each year and provide valuable feedback to counties who are awarded Discretionary Grants. This year the RFA includes language that asks counties to obtain cooperation agreements from county offices or departments that collect, store, and/or maintain data that will be essential to the impact evaluation. For example, programs that are meant to shorten the time from arrest to magistration will need cooperation from the jail and those who conduct magistration (magistrates, municipal judges, justices of the peace, etc) to determine that the grant program was able to impact the time to magistration.

The Discretionary Grant application consists of a two-step process: an Intent to Submit Application and a full application. The Intent to Submit Application outlines the county's general ideal for a grant program and is due February 24, 2012. Full applications provide greater detail regarding the counties current challenges and proposed programs to address those challenges. The final application is due April 27, 2012. Commission staff members are available to assist counties in every stage of the process from the first step (needs assessments, development of programmatic solutions) to the actual application. Staff can help counties conduct stakeholder meetings and provide information on successful models to help guide new program applications. Additional information about the Discretionary Grant Program is available on the TIDC website (see the Request for Applications here).

Contact Bryan Wilson, Grants Administrator, for more information about Commission funding programs at (512)936-6996 or email him at [bryan.wilson@txcourts.gov](mailto:bryan.wilson@txcourts.gov).

## **Formula Grant Increased by \$2 Million**

211 Texas counties will receive an increase in their final Formula Grant payments for FY2011. Following the 2011 Legislative Session, the Commission took action to ensure that all funds appropriated for indigent defense would be used for indigent defense. Hence, unobligated or unexpended funds were moved into the Formula Grant budget. This action was required because carry-forward provisions were removed from the Commission's appropriation during session. Commission funds come from a number of sources including court cost collections; many of the deposits arrive late in the fiscal year and, in previous years, the Commission has rolled these funds forward. Without a carry-forward provision, however, the Commission voted to move all funds (about \$2 million) into the Formula Grant Program. This made the funds available for those counties who experienced the greatest increases in indigent defense expenditures last year. Texas counties have averaged a 124% increase over FY2001 indigent defense expenditures, but some counties' increases are even higher. The additional Formula Grant funds will help to offset these costs. The only counties that will not see an increase in the last quarter payment are those counties that had declining indigent defense expenses. To see the full list of final quarter payments [click here](#).

Contact Bryan Wilson, Grants Administrator, for more information about Commission funding programs at (512)936-6996 or email him at [bryan.wilson@txcourts.gov](mailto:bryan.wilson@txcourts.gov).

# Special Needs Defender Recognized for Innovation

## Client story:

A 40 year-old Hispanic male suffering from Depressive Disorder with Psychotic Features was arrested for the third time on theft and violation of a protective order. For the first two arrests, the LSNDO caseworker visited with him, but initial attempts to provide the client with defender services were not successful due to the client's refusal. After the third arrest, the defendant finally chose to be represented by the LSNDO. The Caseworker developed an individualized treatment plan and explained each step to the client. Once the client and caseworker worked out the plan, he was on his way to self-sufficiency. Eventually, the Client was once again released on bond but he now had his caseworker to support him and a treatment plan in place. The treatment plan was effective and the client began to take a much more active role in his own recovery. The Client commented that he was amazed at how much support he had received from the agencies involved, particularly his LSNDO caseworker. After his case was disposed, the client continued to follow through with the referrals and maintained contact with LSNDO's caseworker on a weekly basis. The Client reported that he could not thank the Lubbock Special Needs Defenders' Office enough because he had never had anyone care about him enough to help him get back on his feet again.

People with mental illness benefit from specialized representation paired with case management services. Research has shown counties and courts also benefit with advantages of reduced recidivism and reduced court appearances (see study here).

The Lubbock Special Needs Defender Office (LSNDO) was developed with a Commission Discretionary Grant to Lubbock County. The program developed Texas' first Managed Assigned Counsel System. The process for Managed Assigned Counsel systems is now codified in Texas Code of Criminal Procedure Article 26.047. The program provides: 1) close upfront screening and assessment to identify offenders shortly after arrest; 2) close to immediate contact with the client once identified as a special needs offender; 3) special team approach between attorneys and case managers; 4) cooperative strategies in resolving complex problems for the county justice system and the special needs individuals.

This Summer, The Texas Association of Counties (TAC) presented its Innovation Award to the Lubbock County Special Needs Defenders' Office. The September/October 2011 edition of *County* (TAC's magazine) featured the work of the LSNDO as a part of its coverage of the 2011 Best Practices Awards.



Click this thumbnail to see a video produced for the LSNDO's recent Innovation Award.

"The dollars that we spend [on the program] aren't just budgeted expense dollars. They are actually an investment and we are getting a great return on that investment."

-**Bill McCay**, Lubbock County Commissioner

## Harris County Update

The felony trial division began taking noncapital felonies on October 1. The division is staffed by a chief (Mark Hochglaupe) and 12 assistant public defenders. The cases are assigned to the Public Defender on the wheel and caseloads are consistent with ABA standards.

The juvenile division began taking cases on December 1, 2011. The division will consist of a chief and 8 assistant public defenders.



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### Harris County Public Defender Update



July 26, 2011

by: Pat Hernandez

It's been eight months since Harris County Commissioners created the first ever public defender's office. The jury may still be out on the office, that will eventually be staffed with attorneys charged with defending the indigent.

After being one of the last major cities without one, the Harris County Public Defender's office was created for the purpose of representing essentially all defendants facing misdemeanor charges, and appeals cases for the indigent. Civil rights leaders hailed it as long overdue, giving people a fair defense in the court system. Harris County Judge Ed Emmett says early on, there aren't many people complaining.

"In government, if you don't have people complaining about something, then that's usually a good thing. It is just getting off the ground though, and I think the people who really wanted it and pushed it, would be in here wondering, if they thought it wasn't going the way they thought it should."

The county launched the office with a \$4 million dollar state grant, but with plans to eventually fund it for about \$7 million dollars a year. Alex Bonin was hired to head the office, after serving as federal public defender in New York. He began his legal career here in Houston. Judge Emmett says the office will help free up the county jail for people who deserve to be incarcerated.

"I know the district attorney has been real keen on getting some people out of the criminal justice system that really shouldn't be here. It's clogging the system for very minor offenses, and a lot of those people are the same ones who can't afford an attorney, so they end up in the Harris County Jail when they really shouldn't. So, the combination of what she's doing and the public defender, I think will put us in pretty good stead."

## Partnerships Help Mentally Ill Defendants Get Treatment, Services & Stay Away From Jail

### Lubbock County

#### INNOVATION AWARD

#### Special Needs Defenders' Office

Contact:  
Patti Jones  
County Commissioner  
(806) 775-1335; pjones@co.lubbock.tx.us



**“Mental illness is here. It's not going to go away and every county should have the resources and the personnel to help these citizens battle this war, because it sometimes feels like they are in a war and they need help fighting it.”**

— IRMA SHEPLER, Director of the Lubbock County Special Needs Defenders' Office

When Lubbock County officials began earnest discussions about building a new jail, they noticed that mentally ill defendants spent a disproportionate amount of time incarcerated. Wanting the new jail to operate as efficiently as possible, they carefully studied the problem and all its causes. “They can't get out of the criminal justice system without someone helping,” said Commissioner Bill McCay.

How to best help mentally ill inmates is a common challenge faced by counties across the state, and it is complicated by several factors. In Lubbock County, there wasn't a method for determining which inmates were mentally ill. Area defense attorneys weren't equipped to handle cases with mentally ill defendants. Many mentally ill defendants didn't have a support structure to help them once they were released from jail and were therefore more likely to recommit offenses and wind up back at jail.

To address those problems, the county reached out to the Lubbock Criminal Defense Lawyers Association and the Lubbock Regional Mental Health and Mental Retardation Authority and applied for a Task Force on Indigent Defense grant to fund the Lubbock County Special Needs Defenders' Office.

“The overall mission is to provide effective case management to the citizens with severe mental illness or mental health conditions that are incarcerated, that are indigent, and help them with the services they need to reduce the cycle of recidivism,” said Irma Shepler, the office's director.

The office is not a county department. Instead, it was established by the defense lawyers association at the request of the county and then hired by the county to administer a new managed assigned counsel pro-

gram specific to mentally ill defendants and attorneys qualified to handle their cases.

“When you partner with folks and everyone has skin in the game and it's not a government program, but some government funding to help the program, then that's when you get the best results,” McCay said. “Everyone wants to solve the problem.”

Managed assigned counsel programs are still fairly new to Texas, though Lubbock County was able to model its program off of a long-existing office in San Mateo, Calif.

“The administrative functions are centralized either through a contract or on a county department level,” said David Slayton, the county's courts administrator, adding that managed assigned counsel programs gives the county the advantages of a public defender's office, such as the ability to enforce standards, while still allowing the county to access all the resources of the private bar. “We can use the best resources that we have out there.”

The office opened its doors in April 2009 with a director, two caseworkers and an administrative assistant. So far, its wheel of attorneys has taken on more than 480 cases. As of late July, the attorneys had closed approximately 330 of those cases.

To be eligible for the office's services, defendants must be diag-

## Client story:

Robert [not his real name], a 50 year old male, had been incarcerated since April, 2010. He was diagnosed with paranoid schizophrenia, compounded by Tourette Syndrome. The LSNDO's Case Manager researched and interviewed the client numerous times with no success because of his deteriorated condition. With perseverance and patience, and with the assistance of MHMR psychiatrists and the medical staff at the Lubbock County Detention Center, the client was restored after court-ordered psychotropic medication was administered. The Lubbock Avalanche Journal ran a follow-up article: <http://lubbockonline.com/local-news/2011-02-20/mental-injustice-inmates-mental-capacity-restored>, detailing the great success that the client has achieved. As of the third quarter of 2011, Robert was living in transitional housing and flourishing. If not for the trained private defender and a dedicated LSND case manager, this citizen might have languished indefinitely in the County jail.

(Original Article: <http://lubbockonline.com/local-news/2010-09-26/mentally-ill-languish-justice-system>)

## Burnet County Update

Burnet County began the first year of a Multi-Year Discretionary Grant from the Commission to operate the Burnet County Public Defender Office. The office will provide representation in criminal misdemeanor and felony, as well as juvenile, cases for those defendants who cannot afford to retain private counsel.

The County developed an oversight board for the program, and the Chief Defender, Michelle Moore, assumed her new position on November 4. Moore is a 16-year veteran of the Dallas County Public Defender Office and served as a DNA specialist with the office starting in 2007.

The Commission will continue to work with Burnet County to help measure the impact of the program on the county of the lifetime of the grant.

LOOK Inside For Your Guide to the  
2011 Parade Home Tour!  
INCLUDING A MAP!



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# Burnet Bulletin

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October 12, 2011

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## County hires Dallas public defender

By JAMES WALKER  
HIGHLAND LAKES NEWSPAPERS

Public Defenders office. Moore, a graduate of Texas A&M and the University of Arkansas law school, will assume her new position Nov. 4.

Burnet County commissioners Tuesday selected a leader for the county's new grant-funded public defender program, approving the hiring of Michelle Moore, a 16-year veteran of the Dallas County

“We were all in agreement,” said County Judge Donna Klaeger, who was a member of the committee that interviewed 18 applicants

for the job before choosing Moore. “We feel fortunate to find someone of her ability and experience for this job.”

Moore will assemble a staff of two assistant public defenders, an investigator and an office administrator.

“It's an opportunity to start

with something new and fresh,” she said when asked why she was open to making the move from Dallas to the Hill Country. “Also, it's a gorgeous place.”

The county recently received a state grant of \$425,000 to set up

County... see Page 11A

# POLICIES AND STANDARDS UPDATE

## Eliminating Excessive Public Defender Workloads

BY LAURENCE A. BENNER

Criminal Justice Section Chair Bruce Green recently highlighted the need for innovative solutions to one of our most pressing criminal justice dilemmas: "the perennial financial crisis in indigent defense services." (See Chair's Column, 25 (4) Crim. Just. 1 (Winter, 2011)) This article attempts to address that concern by suggesting an approach that will enable the bar and judiciary to objectively identify when an excessive public defender caseload results in a pretrial violation of the Sixth Amendment right to counsel.

Our adversary system of criminal justice relies upon the effectiveness of counsel for both the prosecution and the defense in order to discover the truth concerning the guilt or innocence of the accused. A host of recent considerations of the wrongfully convicted by innocence projects nationwide, however, have revealed there are serious flaws in our justice system. In theory, every person accused of a serious crime comes to court protected by the presumption of innocence and the promise of effective representation by a well-prepared and experienced defense counsel

supported by investigators, experts, and other resources needed to mount an effective defense. Today our system has broken faith with that basic premise and forgotten its primary mission, often operating under a presumption of guilt in which processing the "presumed guilty" as cheaply as possible has been made a higher priority than concern for the possibility of innocence.

A long-standing lack of political will to adequately fund defense representation—aggravated by the current economic downturn—has increased the number of defendants in need of public defense services at the same time as a stagnant economy has further decreased state and local tax revenue to support such programs. The perception that the public defender represents only the poor and society's outcasts is an outdated stereotype. It is often "strategic" citizens or their children accused of crime who must rely upon the local public defender for representation. However, in the competition for scarce resources there are few lobbyists for indigent defense. The result has been an enormous disparity between the

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Click above for an article published in the ABA's magazine, *Criminal Justice* addressing Public Defender Workloads.

## Attorney Fee Recoupment Procedures/Orders

At the December 1st meeting, the Commission promulgated a set of materials to assist courts in recouping from eligible defendants the costs of providing them legal representation. These were developed with input from a diverse group of stakeholders working towards the goals of protecting defendants who do not have the ability to pay from invalid reimbursement orders while also assisting county collection efforts where defendants are able to pay back some or all of the costs of representation. The issue arose because of a large amount of recent litigation in the appellate courts beginning with the Court of Criminal Appeals decision in *Mayer v. State* where the court found "[T]he defendant's financial resources and ability to pay are explicit critical elements in the trial court's determination of the propriety of ordering reimbursement of costs and fees." *Mayer v. State*, 309 S.W.3d 552, 556 (Tex. Crim. App. 2010). Subsequent intermediate courts of appeal decisions have reversed many trial courts orders that defendants repay the costs of legal representation because they were not supported by the required judicial determinations of fact regarding the defendant's ability to pay. The materials include discussion about the case law, recommendations on effective procedures, and sample court orders that may be customized to fit your jurisdictions circumstances.

## Bob Spangenberg

Robert L. Spangenberg, a pioneering champion of legal rights for the poor and advisor to Texas and other states on the subject of legal aid for the indigent, is returning to the Boston University School of Law faculty after four successful decades of working to improve access to, and quality of, representation for those unable to afford counsel in civil or criminal cases. Bob has been working in Texas for many years in indigent defense, even prior to the Texas Fair Defense Act. He has testified extensively before legislators and advised policy makers.

During his 26 years as president of the Spangenberg Group (<http://bit.ly/piMBku>), based in West Newton, Mass., Spangenberg has conducted research in all 50 states and dozens of developing nations, testified before legislative bodies, and served as an expert witness. His efforts have resulted in legislation overhauling indigent legal services delivery in numerous states and localities for which he has been honored by numerous state bar groups and legal associations, including the National Association of Criminal Defense Lawyers (NACDL) and the National Legal Aid & Defender Association (NLADA).

Bob has been the keynote speaker at several past workshops (see his presentation in 2010 here) and was the recipient of the Commission's highest honor in 2008 when he received the Bob Dawson Indigent Defense Distinguished Service Award. In addition The Spangenberg Group has assisted the Commission with several evaluations and studies of public defender programs in Texas.





## Interactive Features:

If you're viewing this as a PDF, be sure to take advantage of many of this newsletter's interactive features. Many of the stories feature hyperlinks to additional material, including videos, reports, national news items.

Archived e-newsletters are available online.

Please contact any of the following staff members for assistance:

James D. Bethke	Executive Director
Edwin Colfax	Project Manager
Carol Conner	Fiscal Monitor
Dominic Gonzales	Grant Program Specialist
Marissa Kubinski	Administrative Assistant
Joel Lieurance	Policy Monitor
Wesley Shackelford	Deputy Director/Special Counsel
Terri Tuttle	Executive Assistant/Project Manager
Sharon Whitfield	Budget and Accounting Analyst
Jennifer Willyard	Research Specialist
Bryan Wilson	Grants Administrator



**Back row (L-R): James McDermott, Tony Odiorne, Edwin Colfax, Terri Tuttle, Jim Bethke, Andrea Marsh, Sara Forlano, Carol Conner, Wesley Shackelford, Bryan Wilson**

**Second row (L-R): Judge Glen Whitley, Justice Sherry Radack, Jennifer Willyard, Dominic Gonzales, Marissa Kubinski**

**Seated in front (L-R): Presiding Judge Sharon Keller, Joel Lieurance**

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Austin, TX 78701  
512.936.6994