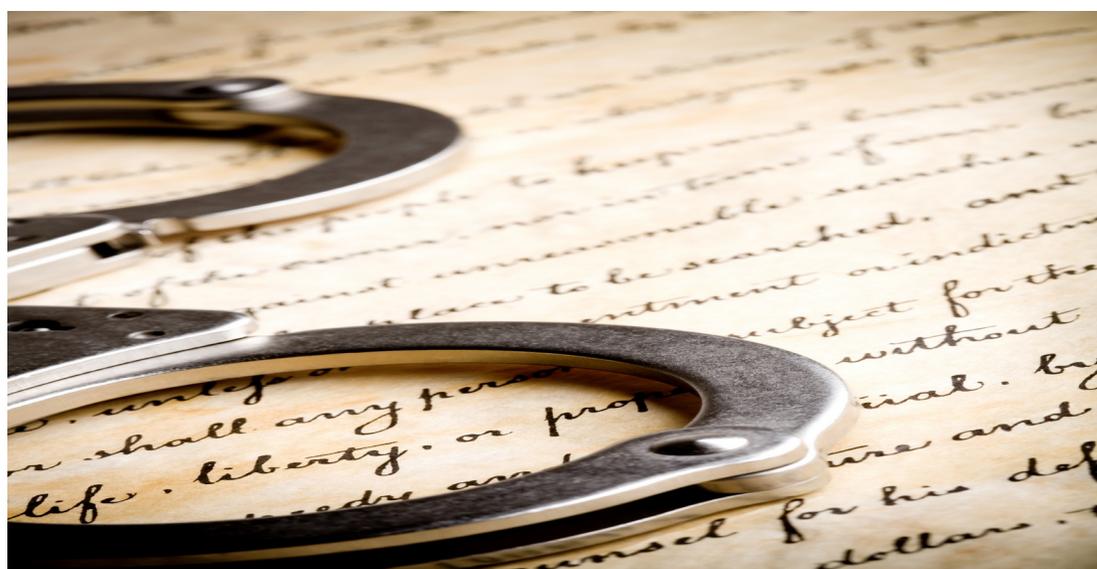


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TASK FORCE ON INDIGENT DEFENSE

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

December 2010

www.courts.state.tx.us/tfid

TASK FORCE AWARDS \$12 MILLION IN GRANTS

The Task Force on Indigent Defense announced on December 2nd the award of \$12 million in formula grant funds to Texas Counties to help improve attorney representation systems for the poor. Under the Constitution and Texas state law, each county is required to develop a system to provide attorneys to those who cannot afford to retain counsel. All counties are eligible to receive funds under the formula grant program if they submit their annual indigent defense expenditure report and biennially submit their indigent defense plans that meet the requirements of state law. Funds are awarded based on formulas that consider each county's population and the amount of increased expenditures since passage of the Fair Defense Act in 2001. *Read more about the Formula Grants awarded on page four.*

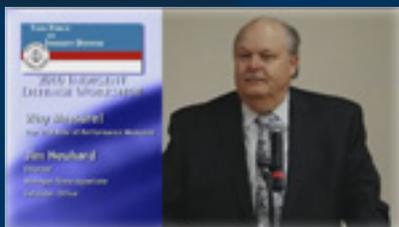
TEXAS COUNTIES REPORT INCREASED DEMAND FOR SERVICES AND RISE IN COSTS

Across the state, the number of persons qualifying for court appointed counsel and associated costs increased slightly in 2010. The local indigent defense expenditure reports due to the Task Force on November 1 show statewide indigent defense spending at \$193 million in FY2010 compared to \$186 million in FY2009—a 3.6 percent increase. Counties reported appointing attorneys in 482,482 cases in FY2010 up from 470,625 in FY2009, an increase of 2.4%. A more detailed analysis of the spending and services provided as well as how the funding is making a difference will be published early next year.

Indigent Defense Workshop Presentations Now Available Online

On October 28th, approximately 27 counties represented by a cross-section of leadership, including judges, commissioners, and administrators, attended the workshop. Approximately 90-100 persons convened for this event. The theme of this year's workshop was "Improving the Quality of Representation: Measuring Attorney Performance and the Role Systemic Standards Play in Measuring the Health of an Indigent Defense System." Presenters included Judge Rusty Ladd on "Why the Right to Counsel Matters," Mr. Jim Neuhard on "Why Measure?" and Mr. John Digiacinto on "Private Defender Programs: Effective Use of Investigators and How to Measure Attorney Performance."

Video files for download/viewing are now available on the Task Force website. The presentations were given to workshop attendees on October 28. This is a great tool to share the wealth of information with others in your county.



Mark your calendars and join us for next year's workshop:

October 20-21, 2011, location: Texas Association of Counties Event Center, Austin



Message from Chair

The Task Force has published many studies of benefit to counties. Those studies are available on our website and some are listed on page 3 of this newsletter.

We appreciate those that participated in the Indigent Defense Workshop in October. For those who were not able to attend, downloads of presentations are available (see article above). Presenters were outstanding and through their efforts the workshop was able to promote and encourage thinking about ways in which local government may more effectively deliver indigent defense services. On behalf of the Task Force on Indigent Defense, we thank counties and presenters for their services to Texas and we wish you a wonderful holiday season!

Sharon Keller, Chair, Task Force on Indigent Defense, Presiding Judge, Court of Criminal Appeals

Message from Director

The Office of the Governor Criminal Justice Division recently awarded the Task Force a \$300,000 grant to provide fiscal assistance to innocence projects at the four public law schools (University of Texas, Texas Tech University, University of Houston and Texas Southern University) to investigate claims of actual innocence involving sexual assault and to provide for a staff person to assist with the coordination of project activity and the administration of this grant. Edwin Colfax was selected for this position. He brings a wealth of knowledge to this program. Prior to joining the Task Force he served as state policy director for The Justice Project, a Washington D.C.-based non-profit research and advocacy organization dedicated to reducing the risks of wrongful convictions and enhancing the quality of indigent defense. Please join me in welcoming Edwin to our team. Edwin's bio and photo are available online.

James Bethke, Director, Task Force on Indigent Defense

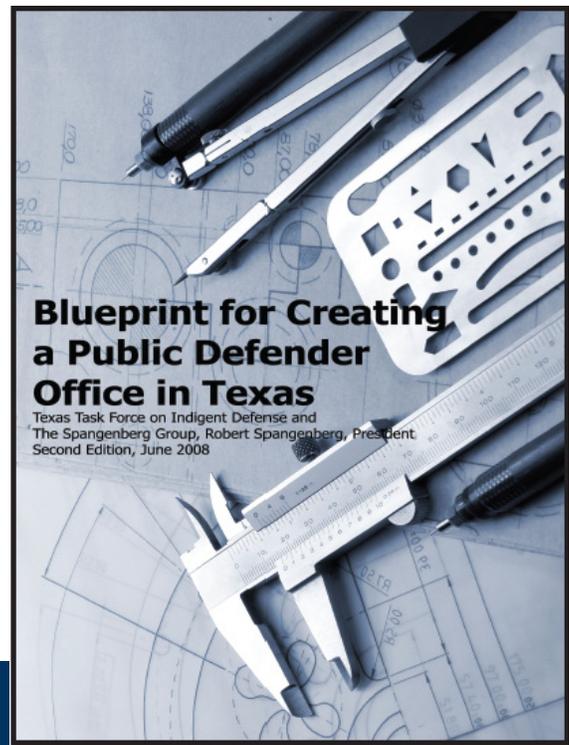
Task Force Publications

Informational brochures:

- Expansion of Regional Capital Public Defender Office
- Discretionary Grant Program
- About the Task Force on Indigent Defense

Links to other publications, studies that include:

- Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives
- Blueprint on Creating a Public Defender Office in Texas
- Overview of the Discretionary Grant Program
- Indigent Defense in the Texas Juvenile Justice System
- Evaluating the Impact of Integrated Electronic Systems in Criminal Case Filings
- Costs and Benefits of an Indigent Defense Verification Study with sample Indigent Determination Form
- e-Newsletters



The mission of the Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct. The Task Force assists counties to provide quality representation in a cost-effective manner that meets the needs of local communities and the requirements of state and constitutional laws.

Texas Task Force on Indigent Defense Grant Program Login Page

Welcome to the Texas Task Force on Indigent Defense Grant and Plan Management Website

Public Information
To visit the public site, which offers read-only access to most documents including indigent defense plans and grant information and reports and does not require a login, click [here](#).
To visit the public site for the Innocence project, click [here](#).

Login
User ID
Password

If you have your User ID, but forgot your password, click [here](#) to reset your password and to have the new password emailed to the email address that you have on record.

If you do not have a username and password and need to submit documents or report on-line, please contact Darby Johnson, djohnson@gori.tamu.edu, 979-845-2003.

Texas Task Force on Indigent Defense
<http://www.courts.state.tx.us/tfd/>

Texas Task Force on Indigent Defense Innocence Project website
<http://innocence.tamu.edu>

This site is best viewed with a resolution of 1024x768 or higher using the current versions of major browsers.
Testing has been done in Microsoft Internet Explorer 6. Some features may not be supported in other browsers.

Send comments or problems with site to [Webmaster](#)

Please update your county contact information online

In order to reduce paperwork for counties regarding The Fair Defense Act the Task Force must rely on the contact information (especially email) provided by counties on their county home pages maintained on the PPRI database.

Please take the time to confirm that all contact information is current on your county home page. Please [sign in here](#). It is fast and easy to do.

GRANTS AND REPORTING UPDATE

Formula Grants - continued from page one

The Task Force distributes grant funds to promote effective indigent defense practices through both formula and discretionary programs. Counties then use Task Force funds to improve systems by increasing the number of defendants who receive services from court appointed attorneys, providing prompt notification of rights to arrested individuals, or offsetting increased county costs.

“These grants provide much needed assistance for local jurisdictions dealing with increased indigent defense costs and support effective public defense representation in Texas” said Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals and Task Force chair.

Task Force 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

Alfonso Charles, Gregg County
District 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

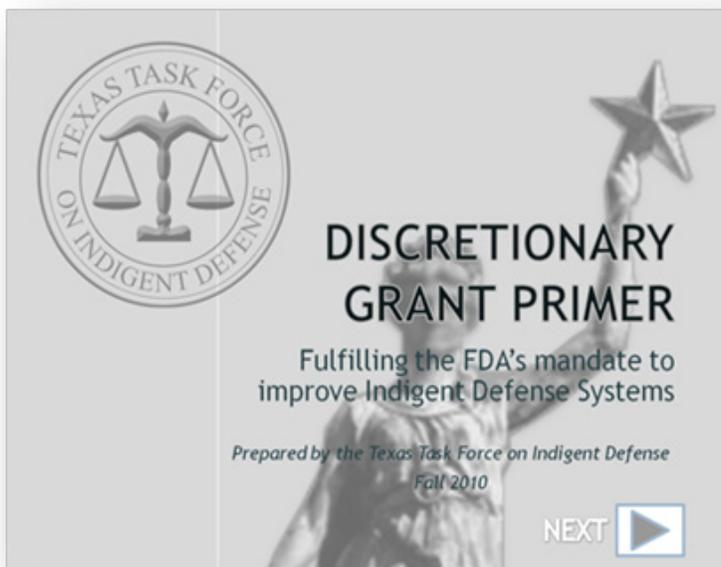
John Whitmire, State Senator

Interested in Exploring Discretionary Grant Opportunities for Your County?

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. Priority programs are direct services to indigent defendants, and establishment of public defender offices, including regional, mental health and juvenile. Task Force staff members are available to assist counties in every stage of the process from the first step (discussing the idea and how to approach county leadership with it) to the actual application. Staff can assist in conducting stakeholder meetings and provide information on successful models to help guide counties. There is a two-step process: one is the deadline for counties to submit ideas for applications (the Intent to Submit Application) is February 25, 2011; second is when the final application is due -- April 29, 2011. The information about the Discretionary Grant Program is available online (see the Request for Applications here). See also the Discretionary Grant informational brochure.

Seeking Counties to Participate in Test and Development of Online Grant Primer

Based on positive feedback we received about the creation of an online training module (Electronic Plan Submission Training) for the new online plan submission process, the Task Force is developing a new online presentation to provide Discretionary Grant training. Modeled after the Department of Justice's "Grants 101" site, the Task Force's Discretionary Grant Primer presentation is designed for users who may not be very familiar with the grant process. Based on comments we received from county and court officials, user experience and ease of navigation are priorities for the design process. As a way to gather feedback, Task Force staff is extending an invitation to county and court officials to help us test the beta version of our presentation. Interested parties should contact Dominic Gonzales (512) 463-2673 or Jennifer Willyard (512) 936-7551, the Task Force's Grant Program Specialists. The initial public release of the Task Force's Grants Primer is expected to occur in March.



Task Force staff are available to assist. You 'can' give them a call. Don't hesitate to call us if you need assistance. Toll free in Texas: 866.499.0656



Distribution of Grant Funds by Direct Deposit

For those counties still receiving their grant payments by warrant (check), please consider direct deposit for receiving your payments. There are several advantages to receiving your payments by direct deposit versus by warrant such as the ability to trace your payments, no deposit delays, prompt availability of funds and no worry about a lost or stolen warrant.

To begin receiving your payments by direct deposit, simply complete the Vendor Direct Deposit Authorization Form 74-176 and return the completed form back to us. This form is available on the Comptroller's state government website at: www.cpa.state.tx.us/taxinfo/taxforms/74-176.pdf. If assistance is needed in filling out the form or you have additional questions a customer service representative is available Monday thru Friday, 8:00 a.m. to 5:00 p.m. by calling 1-800-531-5441, ext. 3-3600 (toll-free) or 512-463-3360 (in Austin) or by email at www.claims.pin@cpa.state.tx.us.

Information for Counties Interested in Joining Expansion of Regional Capital Public Defender Office

The West Texas Regional Public Defender Office was established three years ago by an Interlocal Agreement among counties in the 7th and 9th judicial regions, with Lubbock County serving as the administrative county. Start-up costs were funded by a grant from the Task Force. To provide access to more counties, the Lubbock-based office requested additional grant funds to expand. The Lubbock-based office currently has satellite offices in Amarillo and Midland comprising an 11-person staff dedicated entirely to the defense of indigent defendants charged with capital offenses. On June 10th, 2010 the Task Force approved funding for the regional office to begin an expansion effort. \$1,570,483 in funding was recommended and approved to fund the 4th, 5th, and 6th Regions. Additional regions will be eligible in coming years. Here is a [link to an informational brochure](#). On September 1 representatives from the regional program and Task Force staff will be on hand to discuss expansion with counties who are interested at the Texas Association of Counties Annual Conference in Austin. Here is a [link to that information](#). Should you wish to talk to a staff member at the Task Force about this program, please contact Dominic Gonzales (email: dominic.gonzales@txcourts.gov or call: (512)463-2573)



POLICIES AND STANDARDS UPDATE

Legislative Recommendations

Legislative
information
on the
website

Each summer before a legislative session a legislative workgroup convenes to assist the Task Force in developing legislative recommendations to improve the quality of indigent defense services in the state in accordance with Section 71.061, Government Code and the Legislative Policy adopted by the Task Force.



Spotlight on Bell County

Bell County has been on a journey to improve services within the Indigent Defense Department and the related judicial impact of indigent defense throughout the County. As part of this journey, Bell County applied and was awarded a grant this year for the development of a software system and related business process changes. The project management, process changes, and system development is being managed by the consulting firm Managing to Excellence Corporation along with Bell County staff.

The focus of Bell County is to develop software to support best practices for Indigent Defense that can be used in any county throughout Texas to aid compliance with Senate Bill 7. Through the process of continuous improvement, the software will mechanize those new practices.

The software will automate the wheel so that the next qualified attorney will be automatically appointed to the case. Once that appointment happens, the Attorney, Defendant, and respective court areas will be notified automatically via email and/or fax. The system will also track any changes to the wheel appointment to provide reporting to the respective courts, judges, and interested parties.

A major advancement in the program will be the software's ability for the attorneys to submit their time electronically and the judge would approve electronically. The whole process of submitting billable time will be electronic. This will allow for the auditor's office to accept the information electronically, fulfill state reporting requirements easily, and submit for payment electronically.

Spotlight on Bell County continued

The software will easily track attorney compliance with the use of easy-to-read charts and graphs that will be available to the county departments, attorneys and judges. These reports will focus on the state requirements of contacting and visiting a defendant as well as grievances against an attorney and other performance measurements.

In preparation for the software, the county has reviewed and revised its policy. With the guidance of a district judge, the county has reviewed and revised its policy. This process involved reviewing other county's practices, meeting with multiple county departments, and submitting these changes to the Bell County Commissioner's Court for final approval.

We also worked with the County Auditor's office to conduct a review of how the accounting General Ledger codes are setup. During this process, the GL codes and Attorney Fee Vouchers were mapped. This allows for an easy flow. The reporting structure for the state is now defined at the Attorney Fee Voucher and no other categorization is required to enable state reporting.

At the judge's request, the county has implemented a new attorney application and is requiring all attorneys to reapply for consideration. Bell County recently hosted a meeting for local attorneys to communicate the upcoming program changes and to discuss upcoming technology implementations that they will see soon.

During this project, all judges handling criminal cases have requested to meet monthly to review issues and concerns as they arise. This meeting will be hosted and coordinated by Pretrial Services at the request of the Court.

This project team involves many county departments, outside resources, Judges, and local attorneys. Bell County is committed to moving forward on this journey and anticipates a more transparent program and a better process for all involved. If you are interested in staying informed on major milestones, please contact Mark Kenneth, Bell County Technology Services Director at mark.kenneth@co.bell.tx.us or 817.917.4817.

Also, view the 15 minute Documentary Film "A Different Kind of Law: Holistic Justice for the Mentally Ill" by the Travis County Mental Health Public Defender Office (May 2010)

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Please contact any of the following staff members for assistance

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

Archived e-newsletters are available
online.