



Texas Task Force on Indigent Defense

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Presiding Judge, Court of Criminal Appeals

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Public Defender, West Texas Regional Capital Public Defender

Special Edition Newsletter

Information for Texas Counties on the American Recovery and Reinvestment Act of 2009

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009, more commonly known as the stimulus bill. One component of the bill will provide Texas with \$147 million through the Edward Byrne Justice Assistance Grant Program (JAG) to improve local criminal justice systems. Of these funds, \$57 million will be awarded to counties and municipalities in Texas directly from the Bureau of Justice Assistance (BJA) through a [local solicitation](#). The remaining \$90 million will be distributed to local jurisdictions through the [Governor's Criminal Justice Division](#).

Key information for counties about the \$57 million in JAG local solicitation funds:

- **When is the deadline to apply?**
 - The deadline to apply is **May 18, 2009**.
- **What can the funds be used for?**
 - The JAG Program allows states and local governments to support a broad range of activities to improve the criminal justice system including court programs and technology improvements.
- **Can the funds be used to support indigent defense?**
 - Yes. Examples include:
 - Public defender's offices
 - Video-teleconferencing
 - Case-management systems
 - Support for appointed attorneys, including training
- **How much can my county apply for?**
 - Local jurisdictions have already been allocated a maximum award amount from BJA based on population and crime statistics. The list of allocations for local jurisdictions can be found online [here](#). (Jurisdictions that do not appear on the list can apply for funds from the Governor's Criminal

(members continued)
Sherry Radack
Chief Justice, First Court of Appeals

Todd Smith
State Representative

Jeff Wentworth
State Senator

Glen Whitley
Tarrant County Judge

John Whitmire
State Senator

 **Policies and Standards:**
Chair: Knox Fitzpatrick
Tony Odiorne
Olen Underwood

The mission of the Task Force on Indigent Defense is to improve the delivery of indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county, and municipal officials. The purpose of the Task Force is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas.

See the [Task Force's Strategic Plan](#).

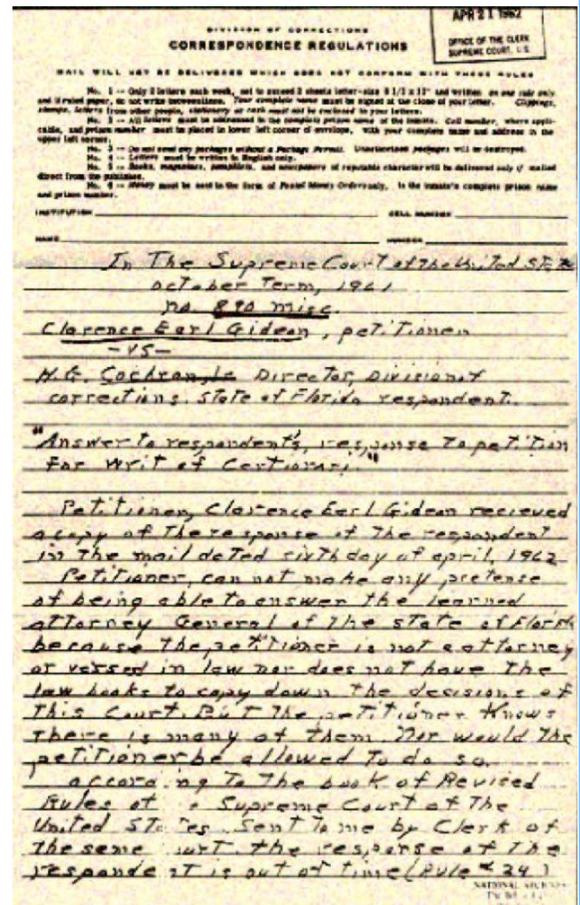
Justice Division.)

- **How does my county apply?**
 - Each county's commissioners court will designate an individual, typically the county judge, to submit the application. Only one application can be submitted per county. The application is submitted online through the Office of Justice Programs' [Grants Management System](#). Application instructions are located in the [local solicitation](#).
- **Who can I contact at BJA for more information or help with applying?**
 - Call 1-866-268-0079 or e-mail JAGRecovery@usdoj.gov for assistance. You may also contact BJA's State Policy Advisor for Texas, Esmeralda Womack, at (202) 353-3450 or at Esmeralda.womack@usdoj.gov or Eileen M. Garry, Deputy Director for Programs, at (202) 307-6226 or eileen.garry@usdoj.gov.

46th Anniversary of Gideon

This week 46 years ago the U.S. Supreme Court decision handed down the remarkable case of *Gideon v. Wainwright*, in which a poor Florida prison inmate caused tectonic change in the history of the U.S. criminal justice system. Justice Hugo Black wrote for the court: "In our adversary system of criminal justice, any person haled 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.



 Grants and Reporting:
Chair: Glen Whitley
Jon Burrows
Sharon Keller
Sherry Radack
Alfonso Charles

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Hugo L. Black

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We're on the Web!
www.courts.state.tx.us/tfid

Update on 81st Legislature

March 13th marked the 60th day of the legislative session and the last day for bills to be filed, except in limited circumstances. Bills encompassing several proposals from the Task Force on Indigent Defense and approved by the Texas Judicial Council were filed:

- SB 625 by Wentworth would streamline the process for creating public defender offices and change the name of the Task Force on Indigent Defense to the Texas Indigent Defense Council. Rep. Gallego is expected to sponsor the bill in the House.
- SB 1130 by Seliger/HB 2058 by Gallego would establish new defense attorney qualifications for appellate representation of defendants receiving a death sentence at trial.
- SB 1710 by Duncan would better enable local jurisdictions to establish independent assigned counsel programs, as Lubbock County is currently doing.
- SB 2167 by Ellis is a clean-up bill to delete statutory references to a fund that was not in fact created last session.
- HB 199 by Alonzo would provide longevity pay for public defenders; however a viable funding source has not been identified.

Links to information about these bills, as well as a variety of other bills impacting Texas' indigent defense system can be found on the Task Force website. Updates on the bill track are posted to our website each Friday at: <http://www.courts.state.tx.us/tfid/legislative81.htm>

In addition to these substantive bills, state funding for indigent defense services has also been heard in the Senate Finance and House Appropriations committees. As filed, the appropriations bill (SB 1), includes an estimated budget for indigent defense of 29,614,045 for each year 2010-2011.

Save the Date for Next Year's Indigent Defense Workshop - October 22-23, 2009

In order to allow you to form your teams we want to let you know that the 2009 (7th Annual) Indigent Defense Workshop will be held at the Texas Association of Counties Event Center on October 22 and 23, 2009. This is an increasingly popular event and seating is limited. The Task Force asks that counties assemble a 2-3 member team consisting of a cross-section of county officials (judges, commissioners, law enforcement, prosecution, defense, indigent defense coordinator). The Task Force strongly urges that each team consist of at least one elected official. As in years past presenters will provide up-to-date information, examples and highlights of current indigent defense practices. One goal of the workshop is for counties to take away a 90-day action plan that will assist the county in increasing proficiencies in their delivery services. Counties will be

provided with evidence-based practices from latest studies to help in determining what works best for their local jurisdictions, examples include whether or not a public defender office is a viable option or which methods of indigence determination and verification are most appropriate.

There is no fee for registration but counties are responsible for travel expenses. If you have any questions about this workshop please call (512)936-6994 or email terri.tuttle@courts.state.tx.us. You may also email me of your interest and I'll keep a list to remind you when I start registering. In addition, the Task Force welcomes any and all feedback and suggestions for what counties would find most helpful or solutions to issues presented by those attending the workshop. I will provide a registration form available in August 2009.

Please call Terri Tuttle, at the Task Force office, toll free in Texas at (866) 499-0656, if you have any questions about this program.

Call for Nominations for Dawson Award

The Robert O. Dawson Indigent Defense Distinguished Service Award honors and acknowledges the late Professor Robert O. Dawson's outstanding contributions and symbolizes his lasting impact on the Texas Fair Defense Act and the Task Force. Each year the award will recognize outstanding 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.

A complete [Award Nomination Form](#) must be submitted for each award. Award Nomination Forms and supporting materials should be submitted for the 2009 award from May 1 until the final deadline of July 31, 2009 (5:00 p.m.). Additional materials such as news stories, magazine articles, or other appropriate commentaries may be included with a nomination. However, please limit each nomination to 10 pages, including supporting materials. Please do not submit videotapes or tape recordings.

Please send completed Award Nomination Forms to:

Task Force on Indigent Defense
Post Office Box 12066
Austin, Texas 78711-2066
Physical Address: 205 West 14th Street, Suite 700, Austin, Texas 78701

The 2009 award will be presented at the December Task Force meeting.

Past recipients of the award: Robert O. Dawson (2005), Dr. Tony Fabelo (2006), Don Hase (2007), Bob Spangenberg (2008).

Additional information available at Task Force's web site: <http://www.courts.state.tx.us/tfid/>; or, contact Terri Tuttle, Executive Assistant at terri.tuttle@courts.state.tx.us or 866-499-0656 (936-6994 in Austin).



Bob Dawson was a beloved law professor and an important reformer (Photo credit: Wyatt McSpadden).