



# Texas Task Force on Indigent Defense

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The next Task Force meeting is on August 16, 2004; for a complete listing of all currently scheduled meetings please go to the [website calendar](#).

## Upcoming Meetings and Announcements

### Terri Tuttle, Executive Assistant

Although it has only been a short time since the last newsletter was issued, members of the Task Force directed staff to get the news out via e-Newsletter regarding highlights from the last meeting of April 29th. Stay tuned for more information below...

### *Policies and Standards*

## Committee meeting to consider Legislative Issues

### Wesley Shackelford, Special Counsel

At its meeting on April 28th, the Task Force on Indigent Defense's Policies and Standards committee set June 16th for its next meeting. The committee will convene at 9 a.m. to consider possible recommendations for legislative changes to Texas' indigent defense statutes. The meeting is planned to be an open forum to discuss these issues. Recommendations from the committee will be presented to the full Task Force at its meeting on August 16th.

In advance of that meeting we would like to solicit suggestions from those who are interested in the system. Please submit any proposals for statutory changes you would like to see the Task Force consider adopting as part of its recommendations to the legislature. We strongly encourage submissions to be in bill form with a commentary explaining the issue and why the amendment or addition is necessary (MS Word documents preferred). In order to be included in the meeting packet, we need your submissions no later than June 2nd. We will then compile the recommendations submitted, along with the other issues that we have learned about through direct contact and surveys of practitioners.

We would also like your feedback on how the Fair Defense Act (FDA) is working in practice and have developed a survey that we would like you to complete. While the first part of this survey deals with the basis of the formula grants, the second part deals with the reasons for the increased expenditures on indigent

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Jon Burrows  
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Knox Fitzpatrick  
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Fisher & Holmes

Terry Keel  
State Representative

Ann McClure  
Justice, 8<sup>th</sup> Court of  
Appeals

Orlinda Naranjo  
Travis County Court at  
Law #2

Thomas Phillips  
Chief Justice,  
Supreme Court

Todd Smith  
State Representative

Glen Whitley  
Tarrant County  
Commissioner

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defense services and the substantive requirements of the FDA. We ask for you to complete the survey by June 2nd if possible to be considered as part of the legislative recommendations of the Task Force. More information on the survey follows in a later article of this newsletter. The link to the survey is here:

<http://tfid.tamu.edu/GrantSurvey/>

## *Grants and Reporting*

# Extraordinary Disbursement Funds Available

### **Sharon Whitfield, Budget and Accounting Analyst**

The Task Force budgeted \$100,000 to the Extraordinary Disbursement Fund. Any county may seek direct reimbursement for actual expenses for providing legal services to an indigent criminal defendant or juvenile respondent in a case or series of cases resulting from an extraordinary event in the county. These funds are available for direct litigation expenses only (attorneys fees, investigation expenses, expert witness expenses, and other litigation expenses). A county must demonstrate that it has experienced extraordinary indigent defense expenses in the current and/or immediately preceding county fiscal year constituting a financial emergency.

The procedure and fund were established in FY03. However, during the last regular legislative session when the state required all state agencies to give 7% of program money back to the state to balance the budget, the funds were removed to avoid grant reductions. The procedures and application may be found by following the link <http://www.courts.state.tx.us/tfid/TFID%20Grant%20Program.htm> to the Task Force website.

## Survey Regarding Formula Allocation

### **Bryan Wilson, Grants Administrator**

The Task Force on Indigent Defense requests your responses on a survey to use in directing policy and considering recommendations for legislative changes. The Task Force provides funding in the form of formula grants to Texas' 254 counties to help pay for indigent defense in criminal matters in accordance with the Fair Defense Act. The current formula is based on a county's population added to a \$5,000 floor. Before the Task Force considers whether they should re-visit the issue of the funding formula, they requested the staff to survey various stakeholders.

The survey has two sections: 1) to solicit your input on future grant formulas and funding, and 2) to solicit your input on how the Fair Defense Act has impacted your court or county.

There are two methods of completing the survey. County grant officials or those

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We're on the Web!  
[www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid)

responsible for the indigent defense plans or forms are asked to log in at <http://tfid.tamu.edu/> using the same username and password that they use to submit grant applications or update plan information. Contact Darby Johnson at (979)845-2003 to obtain username and password if you need assistance. The survey link will appear at the top of their county's homepage.

The survey is also available on-line at <http://tfid.tamu.edu/GrantSurvey/>. Interested court officials, county officials, prosecutors, county employees, and members of the public may complete the survey. Your opinion is very important to us as we work to serve Texas courts and counties. Please complete the on-line survey by June 2, 2004.

## Lubbock County Mentoring Tapes Available

### **Bryan Wilson, Grants Administrator**

In FY02, Lubbock County requested technical support for a new mentoring program. Lubbock County Court at Law #1 Judge Rusty Ladd coordinated with the Lubbock County Criminal Defense bar to develop the program. Texas Tech hosted the program by providing the facilities at the Texas Tech Law School. Discussions between Judge Ladd and Philip Wischkaemper of the Texas Criminal Defense Lawyer's Association ensued with the goal of establishing a program designed to provide "nuts and bolts" training to young practitioners.

In Judge Ladd's opinion, the problem in Lubbock County was one of newly licensed attorneys who are unfamiliar with the basics of handling a criminal case. Many of the practical aspects of plea bargaining, evaluating cases, client relations and trial work are not taught in law schools. New practitioners are often left to learn these and other important aspects of criminal practice on their own, (possibly to the peril of the client) if such training is not provided. See the full description of the program that Lubbock County Courts developed at <http://www.courts.state.tx.us/tfid/Lubbock%20County%20Final%20Report.pdf>.

Lubbock County taped the sessions so that they could use the material covered in the trainings with future attorneys who apply to be on the court appointment wheel. If you would like to obtain the six tape series contact Terri Tuttle at [terri.tuttle@courts.state.tx.us](mailto:terri.tuttle@courts.state.tx.us) or call the Task Force at 866-499-0656 (TFID Toll Free Line).

## Employment Opportunities

Program Specialist III <http://www.courts.state.tx.us/jobpostingsview.asp> or call 512/936-6994. Posting Date: Friday, May 14, 2004

Summary: Performs advanced monitoring activities to ensure grant funds are spent appropriately in accordance with the Fair Defense Act