



Background Briefing

June 18, 2014

www.tidc.texas.gov

512-463-6994

Outline

Contextual History



Funding Methods



Spending by Type of Service



The mission of the Texas Indigent Defense Commission is to provide financial and technical support to counties to develop and maintain quality, cost-effective indigent defense systems that meet the needs of local communities and the requirements of the Constitution and state law.

Commission Members

Ex Officio Members:

- Honorable Sharon Keller
(Chair)
- Honorable Nathan L. Hecht
- Honorable John Whitmire
- Honorable Royce West
- Honorable Roberto Alonzo
- Honorable Abel Herrero

Members Appointed by Governor:

- Honorable Olen Underwood
(Vice-Chair)
- Honorable Sherry Radack
- Honorable Jon Burrows
- Honorable B. Glen Whitley
- Honorable Linda Rodriguez
- Mr. Anthony Odiorne
- Mr. Don Hase

Background Briefing

Contextual History

Gideon vs. Wainwright

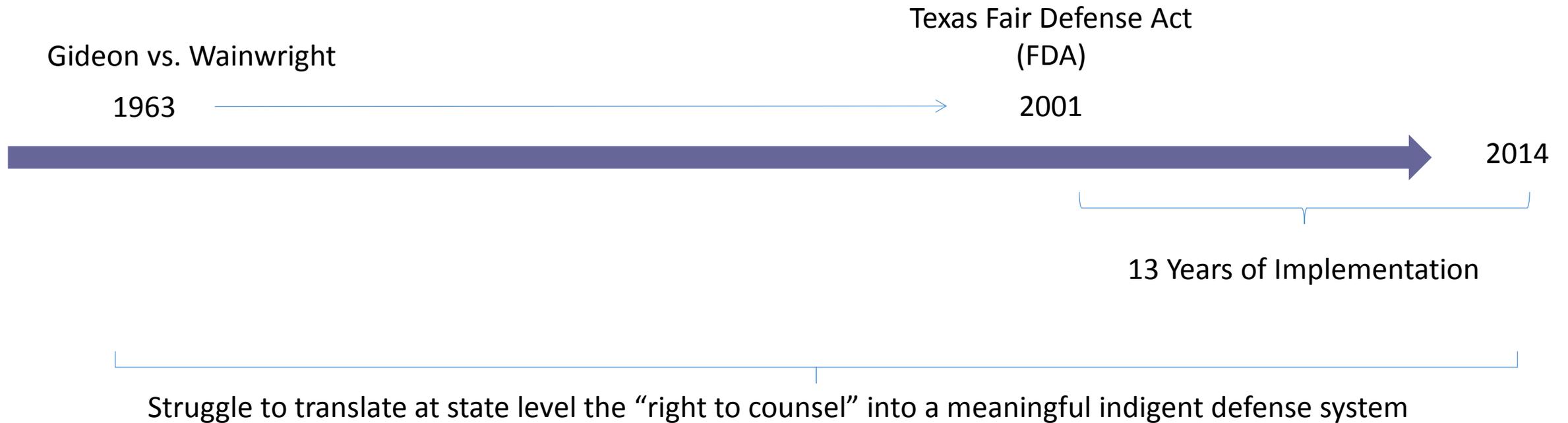
In our adversarial system of criminal justice....

With government “quite properly” spending “vast sums of money to establish machinery to try defendants accused of crime”.....you need

..... “procedural and substantive safeguard designed to assure fair trials before impartial tribunals in which defendants stands equal before the law”

“This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.”

Long Road to Make Indigent Defense Meaningful



Fair Defense Act of 2001 Adopted to Address Major Grievances with Texas Indigent Defense

**Texas Indigent Defense
Commission
(formerly Texas Task Force on
Indigent Defense)**



**Set infrastructure to address
grievances and implement FDA in
2001**

No uniformity in local indigent defense appointment practices

Judges' discretion to select counsel, pay fees and determine who is indigent fueled appearance of cronyism

No consistent standards regarding training and experience

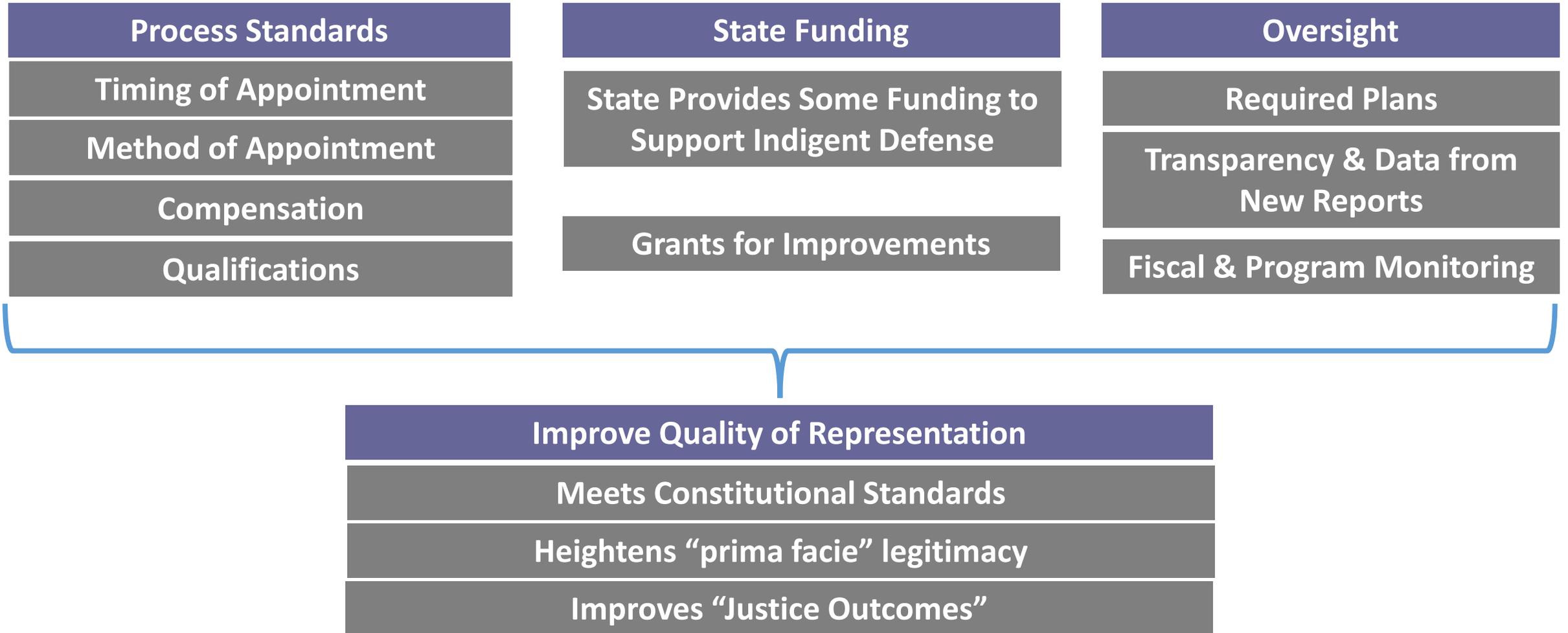
No state funding or oversight

Few Public Defender's Offices

Appearance of inconsistencies in qualifications for death penalty cases

No reporting on budget/performance

Fair Defense Act Put Structure in Place for Improving Indigent Defense in Texas



Highlights of Accomplishments

Key Process Standards Implemented

Prompt appointments

“Fair, neutral and non-discriminatory” appointment processes

Prompt payment process and standardized fee schedules

Qualification process

Ten exonerated through TIDC funded Innocence Projects

New Programs Established

Regional Capital Public Defender Office

Harris County Public Defender Office

12 New Programs Serving the Mentally Ill

New Vet Defender Program and Publication

Office of Capital Writs

First Client-Selection Program to be tested in the Country (Comal Cty.)

Expansion of Public Defender programs

Oversight in Place

Local plans with agreed method of appointment, fee schedules and qualifications in place

Plan and Expense Reporting to State Routine

Compliance audits routinely conducted

Legislative initiatives developed with Commission direction

Recent Legislative Accomplishments

Texas Indigent Defense Commission



Greater independence for Commission

Budget request directly from Commission to legislature

Director works for Commission

Added standards



Authorize "managed assigned counsel" programs and capital appellate attorney standards

Expansion of FDA



Assignment of counsel method for motions to revoke probation and appeals

Recent Legislative Accomplishments (continued)

Funding

```
graph LR; A[Funding] --> B[Restoration of Estimated Appropriation Authority]; A --> C[Restoration of Unexpended Balance authority]; A --> D[Results in additional $16.7 million above FY12-13 appropriation];
```

Restoration of Estimated Appropriation Authority

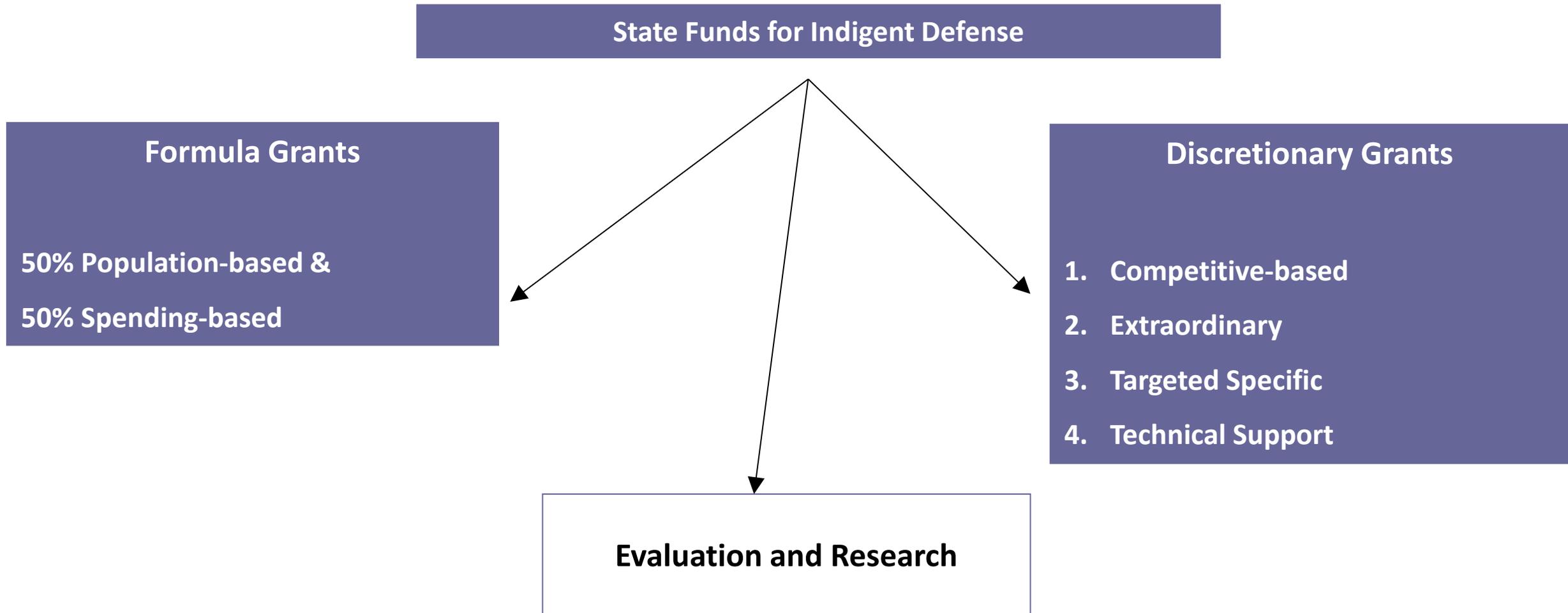
Restoration of Unexpended Balance authority

Results in additional \$16.7 million above FY12-13 appropriation

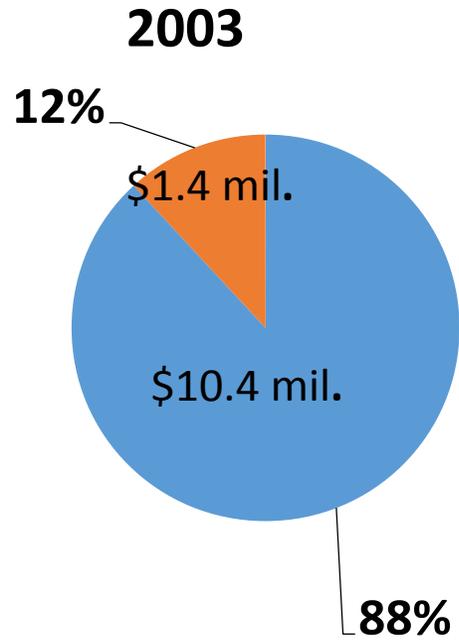
Outline

Funding Methods

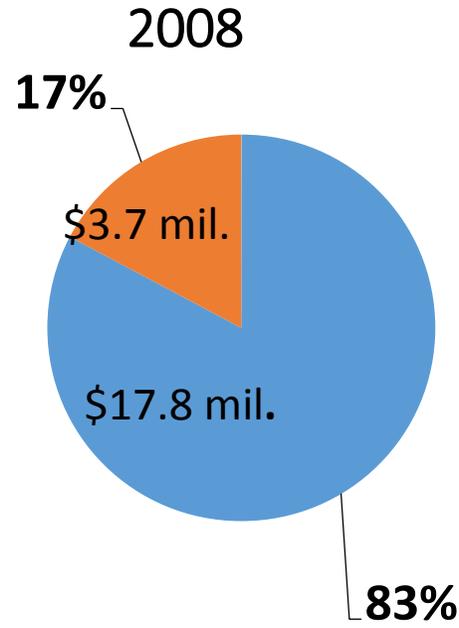
Distribution Strategy



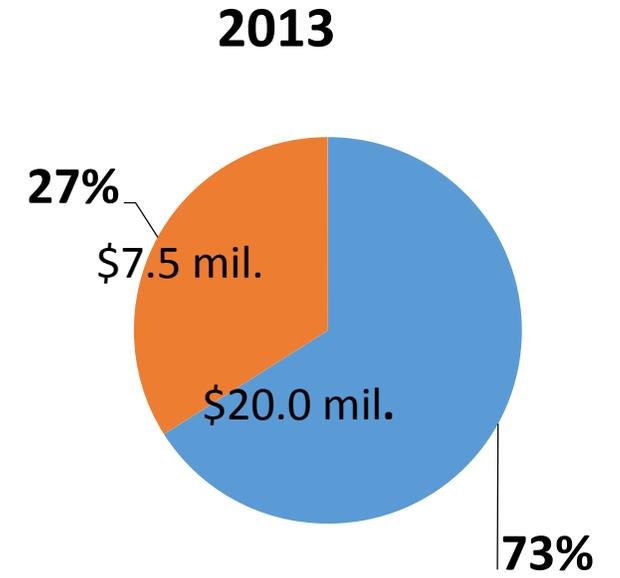
Historical Trend in Allocation of Funds



■ Formula-based
■ Discretionary-based



■ Formula-based
■ Discretionary-based



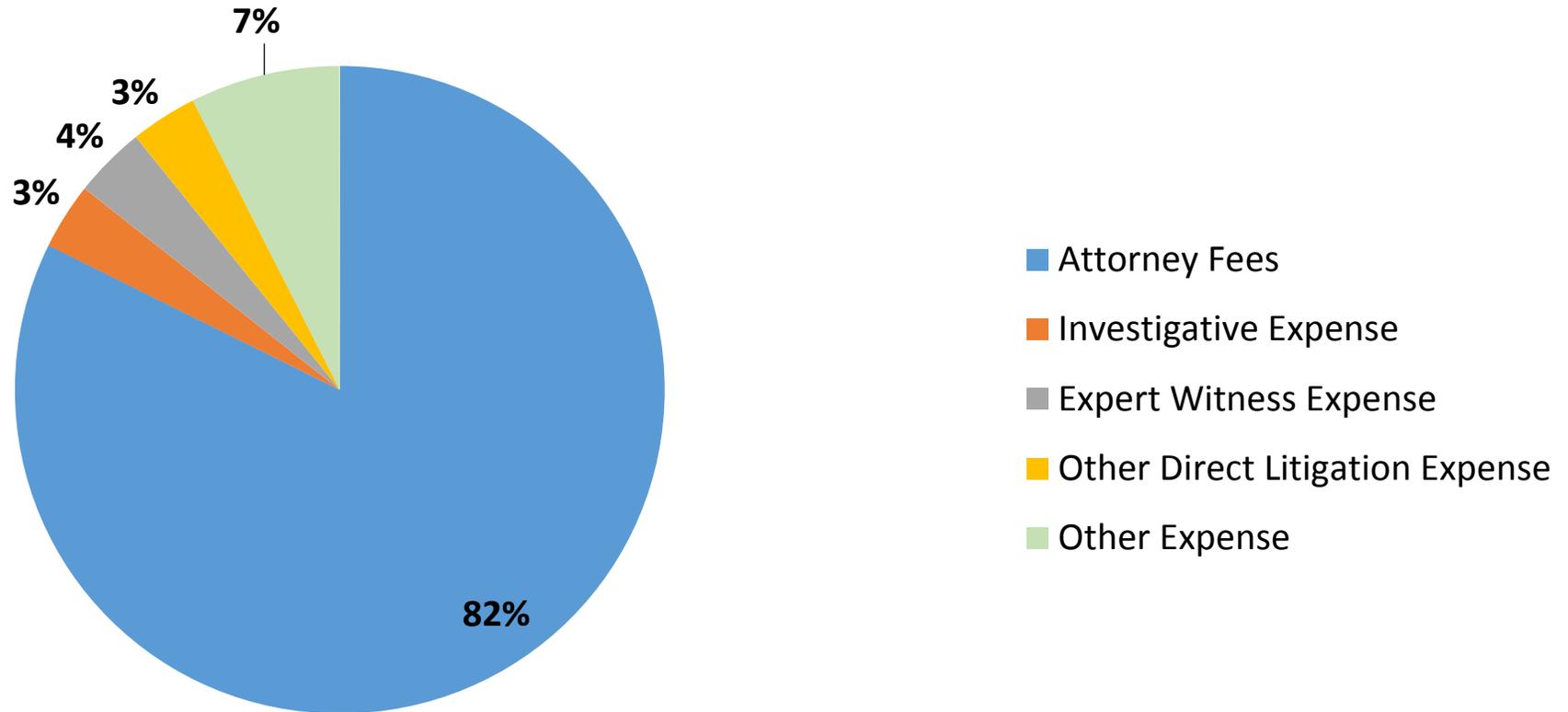
■ Formula-based
■ Discretionary-based

* In 2002 grant funds were 100% Formula-based.

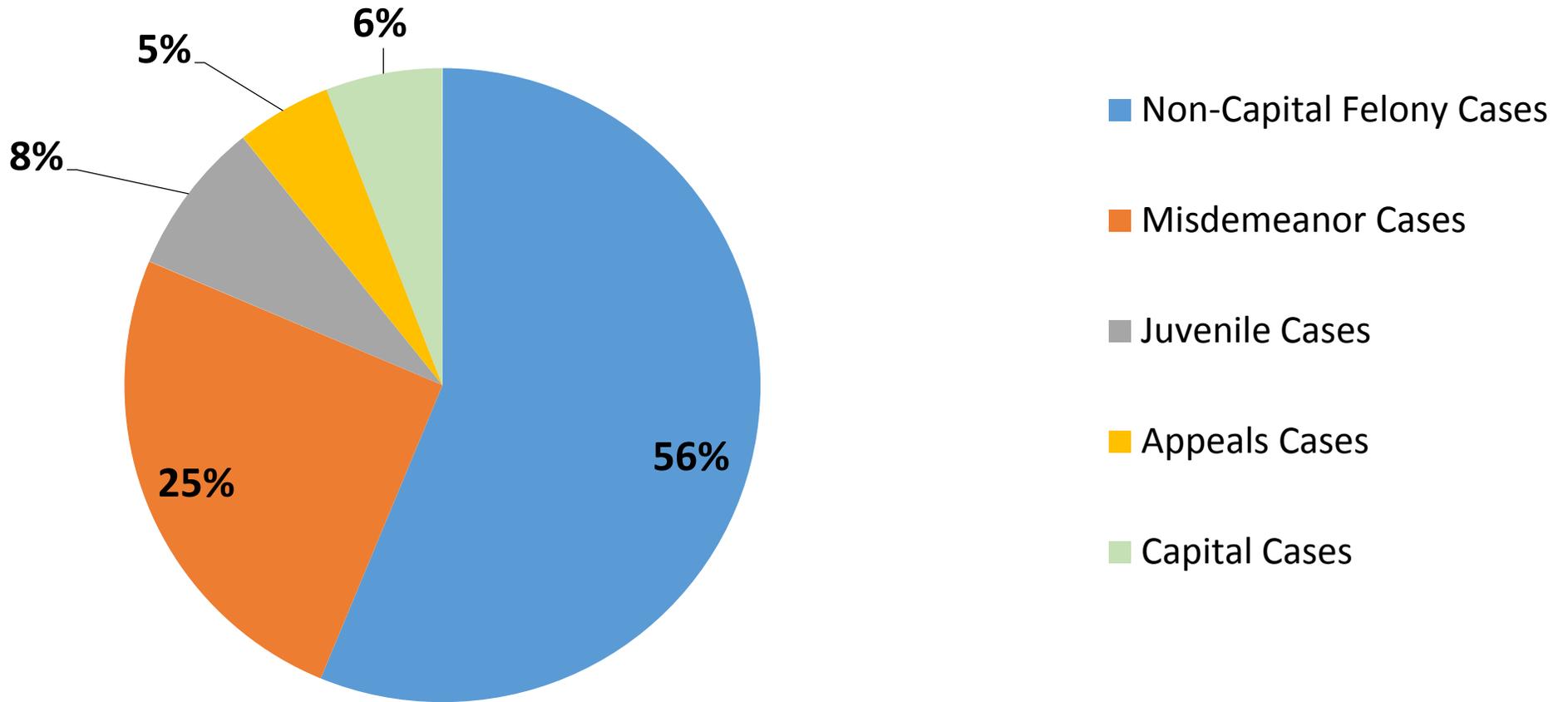
Outline

Spending by Type of Service

Indigent Defense Spending by Type of Service



Spending by Type of Case on Attorney Fees



Average Cost Per Case Breakdown

Attorney Fees per Case (all appointment systems – assigned counsel and managed assigned counsel, contract, and public defender)	2013
Non-Capital Felony	\$523
Misdemeanor	\$196
Juvenile	\$291
Capital Murder Felony	\$21,717
Appeal	\$2,775

In Sum: *The Fair Defense Act of 2001*

- **Basic Legal Requirements:**

- Adhere to timeframes for appointment of counsel
- Establish minimum attorney qualifications
- Fair, neutral, and non-discriminatory attorney selection process
- Develop a standard of indigence and process to determine such
- Standard attorney fee schedule and payment process

- **Local Reporting Requirements:**

- Indigent Defense Plan (judiciary)
- Indigent Defense Expenditures (auditor/treasurer)
- *Appointed Attorney Caseload Numbers (new October 2015)*