

# Annual and Expenditure Report

## Fiscal Year 2014

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





**TEXAS INDIGENT DEFENSE COMMISSION**

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**OFFICERS:**

Honorable Sharon Keller	Chair – Presiding Judge, Court of Criminal Appeals
Honorable Olen Underwood	Vice-Chair – Presiding Judge, 2 <sup>nd</sup> Administrative Judicial Region of Texas

**EX OFFICIO MEMBERS:**

Honorable Sharon Keller	Austin, Presiding Judge, Court of Criminal Appeals
Honorable Nathan Hecht	Austin, Chief Justice, Supreme Court
Honorable John Whitmire	Houston, State Senator
Honorable Royce West	Dallas, State Senator
Honorable Roberto Alonzo	Dallas, State Representative
Honorable Abel Herrero	Robstown, State Representative

**MEMBERS APPOINTED BY GOVERNOR:**

Honorable Olen Underwood	Conroe, Presiding Judge, 2 <sup>nd</sup> Administrative Judicial Region of Texas
Honorable Sherry Radack	Houston, Chief Justice, First Court of Appeals
Honorable Jon Burrows	Temple, Bell County Judge
Honorable B. Glen Whitley	Hurst, Tarrant County Judge
Honorable Linda Rodriguez	San Marcos, Hays County Court at Law #2
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Mr. Don Hase	Arlington, Attorney, Ball & Hase

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**Table of Contents**

Executive Summary	1
Recommendations to the 84 <sup>th</sup> Legislature	2
Implementation of New Legislative Requirements	3
Grant Program	6
Monitoring Program	13
Education, Publications, and Resources	15
Innocence Program	17
Expenditure Report	18



December 19, 2014

Governor Rick Perry  
Lieutenant Governor David Dewhurst  
Speaker of the House Joe Straus  
Chief Justice Nathan Hecht  
Governor-elect Greg Abbott  
Lieutenant Governor-elect Dan Patrick  
Texas Judicial Council

Ladies and Gentlemen:

It is our privilege to submit this report concerning the duties, activities, and accomplishments of the Texas Indigent Defense Commission in fiscal year 2014.

Just as the states serve as laboratories of democracy in our federalist system, so too our counties are developing innovative strategies for delivering indigent defense services that can be shared and tailored to different circumstances in other counties. Because of the Commission's efforts in collaboration with local jurisdictions, Texas is becoming known as a national leader in indigent defense. A growing number of counties are implementing new evidence-based practices that not only improve indigent defense but also benefit the operation of the criminal justice system as a whole. This report will demonstrate how local jurisdictions, with the support of this Commission, are achieving success.

The counties still pay the lion's share of the cost of indigent defense. Nevertheless, the Commission has successfully leveraged state funds to improve indigent defense services and to create more transparency and accountability. While we recognize the significant progress Texas has made, we continue to look for opportunities to build upon our success.

That success is due first and foremost to the efforts of local governments to meet constitutional and statutory standards. Many county officials across the state have gone above and beyond to help the Commission develop new strategies for improving indigent defense services. With the support of the Texas Legislature, the Office of the Governor, county governments, and the judiciary, the Commission will continue its statewide exchange of ideas with all indigent defense stakeholders. During the past year, as outlined in the following pages of this report, much of this dialogue has been turned into positive results.

Sincerely,

A handwritten signature in blue ink that reads 'Sharon Keller'.

Sharon Keller



# EXECUTIVE SUMMARY

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The Texas Indigent Defense Commission (Commission) provides 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. The Commission operates under the authority of a thirteen-member governing board and is administratively attached to the Office of Court Administration (OCA). The Commission's programs are implemented by eleven full-time staff members.

## ***FY 2014 Indigent Defense in Context***

- As of December 15, 2014, counties spent \$230 million on indigent defense in FY 2014, and the state reimbursed \$43.3 million. This \$43 million includes \$18 million that had accumulated in the Fair Defense Account in the previous biennium but which the legislature had not appropriated in the FY 2012-13 budget.
- In FY 2014 total indigent defense costs (state and county) increased 6 percent or \$13 million over the previous year.
- The number of cases that received court-appointed counsel has increased from approximately 324,000 cases in FY 2002 to more than 464,000 cases in FY 2014.
- Total indigent defense costs have increased from \$91.4 million (FY 2001) to \$230 million (FY 2014).

***Implementation of New Legislative Requirements***—The Commission implemented new reporting requirements in HB 1318, which will for the first time provide policy makers at both the state and local levels detailed information on caseloads handled by attorneys representing indigent defendants. The Commission also partnered with Texas A&M University's Public Policy Research Institute to conduct a mandated study on criminal defense attorney caseloads. The final report is due by January 1, 2015 and will include evidence-based recommendations on attorney time needed for various types of cases.

***Grant Program***—The Commission disbursed **\$37 million** in formula grants to 251 Texas counties to help them ensure that all Texans can access constitutionally required legal defense services. Formula grants included a special one-time payment disbursing **\$15 million** from accumulated funds appropriated to the Commission in 2014. The Commission awarded discretionary grants to support the development of new programs such as specialized **programs for mentally ill defendants, regional programs** to provide services in **rural areas**, and **technology projects**. In FY 2014 the Commission awarded **\$11 million** in new and continuing discretionary grants to twenty-two counties.

***Monitoring***—The Commission continued to fulfill its statutory mission to monitor county compliance with both financial and substantive requirements of Texas law through site visits conducted across the state. Commission staff performed various types of policy monitoring site reviews and fiscal monitoring and technical assistance visits during the year.

***Education, Publications, and Resources*** —The Commission hosted the 2014 **Indigent Defense Workshop for Texas Counties** and gave an additional **twenty-five educational presentations** around the state totaling close to **forty-five hours of training** to more than **1,500 judges, county officials, and attorneys**. In addition, the Commission collaborated with the Texas Juvenile Justice Department to publish an extensive revision and update of our [juvenile indigent defense law resource](#). As part of an ongoing commitment to foster evidence-based practices the Commission conducted or funded **six evaluations of funded programs**.

Please visit the website at [www.tidc.texas.gov](http://www.tidc.texas.gov) for additional information about the Commission and for [indigent defense data reported by Texas counties](#).

### *Mission Statement*

*The Texas Indigent Defense Commission provides 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.*

# RECOMMENDATIONS TO THE 84<sup>TH</sup> LEGISLATURE

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## Legislative Appropriations Request

Pursuant to Section 79.033, Texas Government Code, the Commission submitted its [Legislative Appropriations Request \(LAR\)](#) separate from the Office of Court Administration on August 4, 2014. The LAR includes the following exceptional items:

### 1. Support Statewide Regional Public Defender Office for Capital Cases (RPDO)

\$3.1 million annually from General Revenue and one FTE to continue the development and provide ongoing support for an existing program, the RPDO, founded in 2009 through a discretionary grant from the Commission to Lubbock County. In exchange for paying dues, when a member county has a capital murder case, a quality defense team is provided by the program at no additional cost. The RPDO provides a way for counties to have greater budget predictability, mitigate the dramatic impact a capital case can have on county budgets, and help ensure that defendants in these most serious cases are represented effectively. If approved, this investment would provide greater stability to those counties already participating and make the program more economically viable to those counties that initially chose not to participate because of funding considerations.

### 2. Support Multi-County Indigent Defense Technology Grant Program

\$1.5 million annually from General Revenue and one FTE to continue the development and expansion of the multi-county indigent defense technology grant program with the Texas Conference of Urban Counties' TechShare program. In 2011 the Commission provided a discretionary grant to Bell County to develop a cloud-based electronic process management tool that helps the county administer its indigent defense system and monitor key data regarding compliance with the requirements of state law and local rules. A number of other counties have expressed interest in accessing this new functionality.

### 3. Close the Fair Defense Act Funding Gap

\$98.4 million annually from General Revenue to defray the unfunded increased costs associated with the passage of the Fair Defense Act and share more equally in the funding of the constitutional responsibility. Four FTEs are requested to administer this additional funding. Texas counties bear the overwhelming burden of funding indigent defense in Texas. According to the most recent FY 2014 data for Texas, state spending is only about 19 percent of total indigent defense expenditures, or about \$1.65 per capita.

## Legislative Proposals for Improving Indigent Defense

The Commission is charged in Section 79.035, Texas Government Code, with recommending to the legislature ways to improve Texas' indigent defense system. According to its Legislative Policy, the Commission convened a workgroup consisting of a broad range of criminal justice stakeholders who proposed and vetted several proposals over the course of two meetings last summer. The resulting proposals were then presented to the Commission's Policies and Standards Committee for consideration on August 13, 2014 and then to the full board on August 21, 2014. After careful review of each proposal, the Commission approved the following three for legislative consideration:

- **Repayment of Attorney's Fees:** Require attorney fee repayment orders issued as a condition of community supervision to be subject to an "ability to pay" requirement as exists when they are ordered as court costs elsewhere in the Code of Criminal Procedure. Limit the amount to be repaid to counties to the actual cost of the legal services provided. Clarify the appropriate amount for attorney fee repayment orders in those cases where the defendant is represented by a public defender's office.

- **Expediting Post-Conviction Relief to Defendants Who Are Either Actually Innocent or Convicted and/or Sentenced Under a Void Statute:** Amend Texas Code of Criminal Procedure Articles 11.07 and 11.072 to require the court to appoint counsel for applicants for habeas corpus relief when the state agrees to relief on the grounds that the defendant/applicant either is actually innocent or the law under which the person was convicted has been declared void.
- **Super-Regional Public Defender Program for Rural Counties:** Provide continuing state funding and statutory authority for super-regional public defender programs for rural counties.

## IMPLEMENTATION OF NEW LEGISLATIVE REQUIREMENTS

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### HB 1318 Increases Transparency and Encourages Evidence-Based Caseload Guidelines

#### New Reporting Requirements

The 83<sup>rd</sup> Legislature established significant new reporting requirements related to the caseloads of attorneys who handle indigent criminal and juvenile cases. For the first time, these reports will provide policy makers with detailed information on caseloads handled by lawyers representing indigent defendants.

Beginning November 1, 2014, counties are required to report the number of appointed cases handled by each attorney for the preceding fiscal year. After consultation with key stakeholder groups, the Commission chose to build on the existing reporting infrastructure in the annual Indigent Defense Expenditure Report (IDER). The IDER already required county auditors (or treasurers) to report the aggregate number of cases paid by case type and by court, along with the amount paid each year. The new report required this same information to be reported for each attorney. County auditors indicated that they already collect this information as part of the attorney payment process.

As of December 15, 2014, counties reported appointed case figures and amounts paid to 6,090 attorneys in 249 counties.<sup>1</sup> Case totals per attorney varied from one to 1476 with a median of thirty-nine total felony and misdemeanor cases disposed across all counties. The amount paid to each attorney also varied widely from \$30 up to \$419,668 across all counties with a median of just over \$15,000.

In addition to county reporting of appointments and expenditures by attorney, HB 1318 also requires all attorneys who accept appointments in adult criminal and juvenile delinquency cases to submit an annual statement that describes the percentage of their practice time that is dedicated to work on those appointed cases to each county. Each county is in turn required to submit this information to the Commission beginning November 1, 2014, along with the number of appointments made to every attorney who accepts appointments in the county.

In order to make this new reporting as streamlined as possible, the Commission worked with our partners at Texas A&M University's Public Policy Research Institute to develop an online portal for attorneys to report the required information simultaneously for all counties in which they work. Since the reports go directly to the Commission, county or court staff did not have to collect paper forms submitted by the attorneys and then report the information

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<sup>1</sup> Hutchinson, Madison, and Presidio Counties have not yet completed the attorney caseload report. King and Loving Counties had no indigent cases.

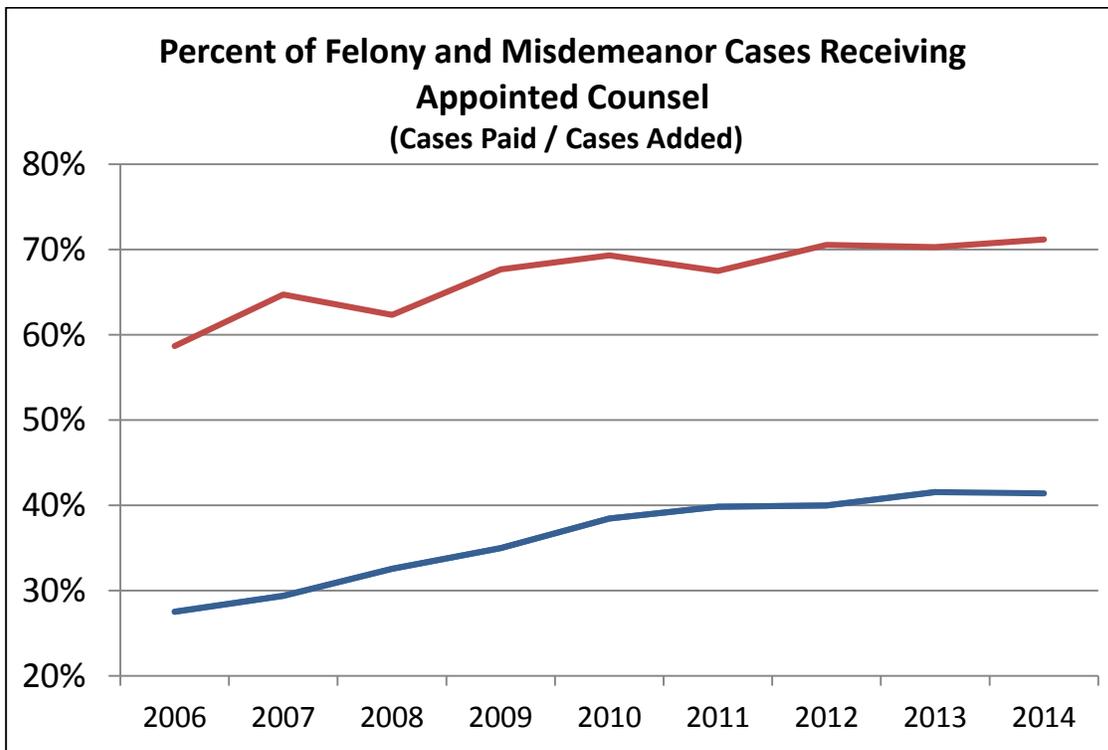
# IMPLEMENTATION OF NEW LEGISLATIVE REQUIREMENTS

to the Commission. Local officials were able to decide which way the attorneys on their appointment lists would be required to report, and the vast majority opted for the online portal.

As of December 15, 2014, 3,995 attorneys had completed the reports using the online portal. The median percentage of practice time devoted to appointed criminal and juvenile cases across all counties was about 50 percent. Attorneys reported working on indigent defense cases in one to eighteen different counties.

## Appointment Trends

Texas jurisdictions have refined their methods for appointing counsel to poor defendants as a result of the more specific guidance in the Fair Defense Act of 2001 (FDA). Since the first year of the FDA, the number of cases that received court-appointed counsel has increased from approximately 324,000 cases in FY 2002 to more than 464,000 cases in FY 2014. Total state and local spending on indigent defense has increased from \$91.4 million in FY 2001 to \$230 million in FY 2014. According to data reported to the Texas Indigent Defense Commission and to the Office of Court Administration, the percent of misdemeanor cases receiving appointed counsel rose from 28 percent in FY 2006 to 41 percent in FY 2014. For felony cases, the percent of persons receiving appointed counsel has risen from 59 percent in FY 2006 to 71 percent in FY 2014.



# IMPLEMENTATION OF NEW LEGISLATIVE REQUIREMENTS

## Weighted Caseload Study (WCS)

The Legislature also directed the Commission to conduct a study on criminal defense attorney caseloads “for the purpose of determining guidelines for establishing a maximum allowable caseload for a criminal defense attorney that . . . allows the attorney to give each indigent defendant the time and effort necessary to ensure effective representation.” The Commission partnered with Texas A&M University’s Public Policy Research Institute (PPRI) to conduct the study. A national advisory board of experts in caseload studies was established to help guide the project. The study consists of three main parts that began with a time tracking component where attorneys tracked the types of work they completed by case type for a twelve-week period. This was followed by a survey to a broad cross section of Texas criminal defense attorneys. Lastly, a Delphi panel of highly experienced and respected criminal defense attorneys developed consensus on the appropriate amount of time that is needed for various aspects of representation by case type. The final report is being prepared and is due by January 1, 2015.



**Dottie Carmichael, Ph.D.** is a Research Scientist at PPRI who conducted the Weighted Caseload Study and the innocence program review.



**Stephen Hanlon** served as a special advisor on the Weighted Caseload Study, in which he drew on his experience from a similar project in Missouri.



Texas Indigent Defense Advisory Panel on the [Weighted Caseload Study](#). Commission Executive Director Jim Bethke along with Texas Criminal Defense Lawyers Association (TCDLA) Executive Director Joseph Martinez, President Bobby Mims, and members Jeanette Kinard and David Gonzalez serve on the panel chaired by Judge Sharon Keller of the Texas Court of Criminal Appeals. This panel consists of indigent defense lawyers, public defenders, and scholars to advise the Public Policy Research Institute of Texas A&M University in the study and data compilation undertaken with TCDLA.



**Professor Norman Lefstein** served on the Weighted Caseload Study advisory panel and was the program design consultant for the Comal Choice Pilot Project.

# GRANT PROGRAM

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## Overview

Section 79.037 of the Texas Government Code provides that the Commission shall:

- **Assist** counties in improving their indigent defense systems;
- **Promote** compliance by counties with requirements of state law relating to indigent defense;
- **Distribute** in the form of grants any funds appropriated for the purposes of Section 79.037; and
- **Monitor** each county that receives a grant and enforce compliance by the county with the conditions of the grant.

The Commission has developed a two-part grant program that ensures funds are fairly distributed across the state while promoting compliance and more effective services. One program—which has benefitted all counties—provides formula-based grants throughout Texas. The other offers discretionary funding to implement innovative programs or remedy compliance issues.

To receive a grant under either program, a county must demonstrate its commitment to compliance with the requirements of state law related to indigent defense. This is accomplished in part by submitting a locally-developed county plan that specifies how the county and courts will meet the minimum standards set by law in the areas of magistrate responsibilities, indigence determination, minimum attorney training, attorney appointment processes, and, where applicable, contract defender standards promulgated by the Commission. A county must also report its indigent defense appointments and expenditures each year. Finally, a county may not use grant funds from either program to reduce the funds provided for indigent defense by the county.

## Formula Grant Program

Formula grants are based on a combination of county population and indigent defense expenditures. Award amounts are determined by a county's percentage of state population and percentage of statewide indigent defense spending multiplied by the Commission's budgeted amount for formula grants. In FY 2014 the Commission awarded \$37 million in formula grants to 251 Texas counties to help them ensure that all Texans can access constitutionally required legal defense services. This amount included \$18 million that had accumulated in the Fair Defense Account in the previous biennium but which the legislature did not appropriate in the FY 2012-13 budget.

Formula grant disbursements are detailed in the Expenditure Report.

## Discretionary Grant Program

Discretionary grants encourage innovation, remedy non-compliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY 2014 the Commission awarded \$11 million in discretionary grants to twenty-two counties. The Commission distributes discretionary funding through the following strategies.

## GRANT PROGRAM

**Discretionary Grants** are awarded to assist counties in developing new, innovative programs or processes to improve the delivery of indigent defense services. A grant review committee of stakeholders and experts reviews and scores counties' applications prior to presentation to the Grants and Reporting Committee and to the full Commission. The Commission has prioritized programs that provide direct services to indigent defendants, mental health defender services, and juvenile defenders, as well as those that establish public defender or regional public defender offices. See the Expenditure Report section for details on payments made under this program.

**Targeted Specific Grants** assist counties that have a challenge related to compliance with the Fair Defense Act. Staff will work with the court and county officials to develop an action plan for the county to address the compliance related issue.

**Technical Support Grants** increase the knowledge base about indigent defense or establish a process or program that may be replicated by other jurisdictions. Commission staff are available to assist any county with technical support requests.

**Extraordinary Disbursement Grants** have been made available to counties that demonstrate that indigent defense expenses in the current or immediately preceding fiscal year constitute a financial hardship. Historically, most requests for extraordinary funding have been related to capital case expenditures. Since the Regional Public Defender for Capital Cases (RPDO) has become available to most counties throughout the state, the Commission reviews extraordinary requests in the context of availability to participate in the program.

<b>Current Discretionary Grants</b>	
<b>Statewide/Regional Program</b>	
Lubbock	Regional Public Defender Office for Capital Cases
<b>Technology Programs</b>	
Bowie	Public Defender Case Management Software
Collin	Indigent Defense Process Management
Jefferson	Video Conference System
Tarrant	Indigent Defense Process Management
Harris	Attorney Voucher Processing System (ViPS)
<b>Mental Health Programs</b>	
Bell	Mental Health Case Workers
Coryell	Mental Health Defender
Fort Bend	Mental Health Public Defender
Harris	Mental Health Attorney Certification
Kaufman	Mental Health Attorney/Advocate Team
Wichita	Mental Health Social Worker
<b>Managed Assigned Counsel Programs (MAC)</b>	
Collin	Mental Health MAC
Lubbock	Felony and Misdemeanor MAC
Montgomery	Mental Health MAC
<b>Specialized Defender Programs</b>	
Dallas	Immigration/Criminal Law Program
El Paso	Problem Solving Court Attorney
<b>Programs Serving Rural Areas</b>	
Brown	Regional Indigent Defense Coordinator
Dickens	Caprock Regional Public Defender Office
Uvalde	Indigent Defense Coordinator
<b>Public Defender Programs</b>	
Burnet	Public Defender Office
Harris	Public Defender Office
Hidalgo	Public Defender Office - Juvenile Section
<b>Technical Support</b>	
Comal	Client Choice and Professional Development (awarded FY 2013)
<b>Extraordinary Grants</b>	
Brazos	Reimbursement of extraordinary expenses
Brown	Reimbursement of extraordinary expenses
Johnson	Reimbursement of extraordinary expenses

## Grant Program Highlights

### Regional Public Defender Office for Capital Cases (RPDO)

The RPDO provides capital defense services to participating counties that pay an annual membership fee. Costs associated with defending a capital murder case have the potential to decimate the budgets of smaller counties. The RPDO provides greater budget predictability and mitigates the dramatic impact a capital case can have on counties, while also ensuring the availability of constitutionally required representation in underserved areas. Responding to a lack of qualified attorneys willing to accept capital appointments in more rural parts of the state, the office is structured to provide immediate representation that meets standards set by the State Bar of Texas and United States Supreme Court case law. The RPDO provides an entire team of defense service providers including attorneys, investigators, and mitigation specialists. Currently 240 counties are eligible to participate, and the RPDO serves over 150 counties across the state.

### Managed Assigned Counsel Programs (MAC)

Managed Assigned Counsel Programs (MAC) are a relatively new option for Texas counties authorized by Article 26.047, Code of Criminal Procedure, to achieve some of the benefits of a public defender within an assigned counsel system. Advantages include enhancing oversight, quality control, and professional development for private attorneys representing poor defendants, and providing greater independence from the judiciary as recommended in the American Bar Association's [\*Ten Principles of a Public Defense Delivery System\*](#).

### Lubbock Private Defender Office (LPDO)

The LPDO is operated by a non-profit organization that contracts with **Lubbock County**. The work is carried out by a staff of eight led by a Chief Defender and a Professional Development Director and includes four social workers focused on mentally ill defendants. The office qualifies attorneys for indigent appointments, provides administrative oversight, and manages the payment of attorney fees to a roster of approximately seventy-five criminal defense attorneys, including nineteen on the specialized mental health attorney appointment wheel. The LPDO set a maximum caseload of sixty-five cases per attorney; however, it maintains the authority to override that standard and monitors caseloads closely. The LPDO allows attorneys to request that they temporarily be put on hold from new appointments to prevent excessive workloads. Oversight is provided by the Managed Assigned Counsel Oversight Committee, which includes judges, commissioners court representatives, the local defense bar, and the Lubbock County Director of Court Administration. As a non-profit organization, the policies and management of the LPDO are governed by a board of directors comprised of seven attorneys.

### Capital Area Private Defender Service (CAPDS)

The Commission awarded a grant to **Travis County** in FY 2014 to help create the Capital Area Private Defender Service (CAPDS), a non-profit organization that provides services to Travis County under a contract and a memorandum of understanding with the county's judiciary. The work will be carried out by a staff of six led by an executive director and including a full-time investigator. The office will qualify and provide administrative oversight to a roster of approximately 250 criminal defense attorneys. The CAPDS will publish caseload standards and complete its policies and procedures manual in late December 2014. Unlike Lubbock's program, some administrative functions related to indigent defense will remain with Travis County's Court Administration. The CAPDS office will not be responsible for payment to attorneys. Instead, the county auditor's office will continue to make payments to attorneys and experts. While the county auditor will be issuing the checks, CAPDS is still responsible for making an

independent determination of payment amounts. The three key features in the Travis County program, like Lubbock, include:

- Independent review of attorney performance and qualifications;
- Training program; and
- Formal mentoring and assessment.

County oversight will be provided through an annual contract review and quarterly meetings with the CAPDS board of directors. The program's oversight committee includes judges, court and county administrators, and leaders of the county's two specialized public defender offices. This program will begin operations in FY 2015.

### **Multi-County Collaborations on Indigent Defense Process Management Technology**

The Commission awarded a grant to **Tarrant County** (as the grant administrator and on behalf of participating counties) to develop and implement indigent defense process management software in counties through the Conference of Urban Counties TechShare program. The project, which extends the solution developed through an earlier grant to Bell County, helps monitor key compliance data, provides faster processing of requests for counsel and attorney appointments, and includes an all-electronic attorney fee voucher payment process.

A second grant was awarded to **Collin County** to develop enhanced indigent defense functionality within the context of the county's existing case management system, Tyler Technology's Odyssey software. Collin County has collaborated with the Conference of Urban Counties TechShare group to convene a working group of other Texas counties using Odyssey to identify needed enhancements that will facilitate required indigent defense reporting, streamline appointment and payment processes, and enable monitoring of statutory requirements. The project will have a broad impact because functional enhancements developed through this project will be made available to all counties using Odyssey through the regular annual software release cycle at no additional cost.

### **Harris County Voucher Processing Automation and Integration (ViPS)**

The Commission awarded **Harris County** a FY 2014 Targeted Specific Grant to integrate existing computer systems in order to facilitate accurate reporting and more fully automate business processes for attorney voucher submittal, court and auditor approval, and tracking attorney payments for the district courts. The project will improve the efficiency of payment processing and better ensure the accuracy of key data reported to the Commission.

*In August 2014, the Commission conducted a **Technology Funding Strategic Planning Session** in order to review ongoing and future indigent defense technology programs through the context of its mission and legal responsibilities under the Fair Defense Act. The session was intended to clarify standards and preferred functionality. After the Strategic Planning Session, the Commission adopted **Recommended Functionality and Data Guidelines for Indigent Defense Technology Projects.***

*Coryell County Success*

*The defender office had a soldier who had just completed a tour of duty in Iraq, where he began to suffer from PTSD. While at home (not on post), he had an episode involving discharging a firearm in a residential neighborhood that resulted in a felony charge. The program attorney was able to pull the soldier's Army medical records to show the DA's office his diagnosis. The attorney kept the case from moving forward in the court system, which allowed the soldier to stay in the military. If he keeps going to his medical appointments, this matter will eventually be dismissed, allowing the soldier to one day expunge this arrest from his record.*

*County Judge John Firth*

**Coryell County - Mental Health Defender**

**Coryell County** received a multi-year discretionary grant to provide services to indigent defendants with mental illness, with a particular emphasis on providing representation to veterans who are facing criminal charges. The county seat, Gatesville, is located on the northern edge of Fort Hood, and significant portions of the military post are located within Coryell County. Military veterans represent a larger percentage of the Coryell County population than any other county in Texas, as well as the highest per capita percentage of disabled veterans and Purple Heart recipients. The program attorney has reported that mental health cases are being identified earlier and that all parties have raised awareness about dealing with defendants with mental health challenges or qualifying military service. According to County Judge John Firth, "This is going very well as a model for other counties to consider indigent defense for those with mental health issues and I am confident that all of these programs . . . will collectively make real progress in working with those with mental health challenges."

**Client Choice Pilot Project**

With the help of a technical support grant from the Commission, **Comal County** is implementing a pilot project testing an innovative approach to indigent defense based on the concept of client choice. In a traditional assigned counsel system, judges or court administrators assign attorneys to represent indigent clients. In the Comal County project, indigent defendants will be given the option to choose their attorney from the lawyers who have been qualified by the courts to handle indigent cases. By providing indigent defendants with the option to choose their attorney, independence from the judiciary is enhanced and incentives for attorney performance will be realigned to make attorneys more directly accountable to the interests of their clients, rather than to judges or court administrators. These market-based incentives introduce a new dimension of accountability that is expected to improve representation and enhance attorney-client relationships. To ensure that indigent defendants have ample choices of well qualified attorneys, the project also includes a new training and paid mentoring program for the private bar that will enhance the organizational structure of the local defense community and provide new opportunities for professional development not typically available to court-appointed lawyers. Based on extensive consultation with local stakeholders during FY 2014, the operational plan has been developed with the client choice option slated to become operational in January 2015.

**Client Choice Core Project Team**

**Comal County District Judges Bruce Boyer, Jack Robison, Gary Steel, and Dib Waldrip**

**Comal County Court-at-Law Judges Randy Gray and Charles Stephens**

**County Judge Sherman Krause**

**District Court Administrator Steve Thomas**

**Local defense bar members:**

**John Esman**

**Joseph E. Garcia III**

**Gina Jones**

**Frank Suhr**

**Tommy Vaughn**

**Deborah Linnartz Wigington**

**Norman Lefstein, Professor of Law and Dean Emeritus, Indiana University Robert H. McKinney School of Law, Indianapolis, IN, Program Design Consultant**

**Stephen Schulhofer, Robert B. McKay Professor of Law, New York University School of Law, New York, NY**

**Elaine Nugent-Borakove, President, Justice Management Institute, Arlington, VA, Program Research & Evaluation Consultant**

**Edwin Colfax, Grant Program Manager, Texas Indigent Defense Commission**

### *In Focus*

#### **Partnership with Texas Tech University School of Law**

##### ***Caprock Regional Public Defender Office (CRPDO) and Regional Externship Program***

The Commission's ongoing partnership with Texas Tech University School of Law and **Dickens County** is a win-win scenario: aspiring attorneys cut their teeth with hands-on practice experience, and Texas' indigent population has greater access to counsel.

The Caprock Regional Public Defender Office (CRPDO), funded by a grant from the Commission to Dickens County, operates in conjunction with Texas Tech Law's Clinical Program in Lubbock. Founded in 2011, it is the only combined full-time, in-house Public Defender's Office and law school clinic in the United States. CRPDO currently serves indigent clients in nine counties in Northwest Texas with the assistance of video-conferencing equipment placed in the clinic, participating courtrooms, and some jails throughout the region to ensure that attorneys maintain regular contact with their clients. Students and supervising attorneys also meet with their clients in person to conduct interviews and investigate their cases. For the coming year, CRPDO will be serving nine charter counties via a streamlined agreement: Armstrong, Briscoe, Dickens, Floyd, Kent, King, Motley, Stonewall, and Swisher. Additional counties that meet the program's eligibility requirements are also able to use the Caprock program's services.

As CRPDO's Chief Public Defender, Donnie Yandell oversees eight third-year law students each year. "This is not your typical law school clinic," said Yandell. "Our students are not just observing attorneys in action; they are actually handling cases from start to finish under supervision from licensed attorneys. And more often than not, they secure dismissals for their clients."

In the 2013-2014 academic year, CRPDO closed 106 cases, seventy-six of which were handled by students. Defendants in many of these cases would have normally pled guilty at the outset of their cases, either upon the advice of their court-appointed attorney or with no representation at all. Indeed a lack of available attorneys in the region was a key reason the program was created. Within the first two years of the program, CRPDO had a demonstrable impact on the number of indigent defendants who received criminal defense representation in the counties that utilized the program.

In addition to the impact that the Caprock program has demonstrated by providing greater access to indigent defense services, the program has offered the state many lessons about the feasibility of operating regional public defender offices in regions that may experience similar challenges.

"Texas has tens of millions of dollars at its disposal to fill the jails with every year," said Robert Sullivan, a 2012 Texas Tech Law graduate who participated in CRPDO from 2011–2012 and now owns a solo criminal defense practice in Lubbock. "The accused have only whatever they can afford, which, in rural Texas for someone that falls into the categorical definition of indigent, is nothing. These are daunting odds and can easily lead to advice to plead when perhaps pleading is imprudent."

Yandell acknowledged that while there was initial reservation about working with non-licensed, student attorneys, CRPDO clients have been impressed by the students' professionalism and respect. "It is very common to get calls from prior clients asking for clinic students after they have graduated, or requesting clinic representation again," said

## GRANT PROGRAM

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Yandell. “I think this is because our students are not taught to take the easy route. They fight for their clients, and veteran prosecutors have found them to be formidable opponents who do not immediately accept plea deals.”

Aaron Tress, a 2014 Texas Tech Law graduate, is a great example of formidable opposition. Tress closed and dismissed all thirteen cases that he was assigned in the past academic year. “Throughout law school, I’ve interned with a judge and worked for attorneys,” said Tress. “The Texas Tech clinic was different because it allowed me to see cases through from start to finish.”

Tress’ track record, like others before him, has earned CRPDO—and Texas Tech Law more broadly—a reputation for producing first-rate criminal defense attorneys. In fact, among the thirty-six licensed graduates of CRPDO since 2010, nearly half now practice criminal defense law. Eight former students practice other realms of civil defense, and twelve are currently awaiting their Texas Bar Exam results.

Andrew Jordan, Chief Public Defender for Kaufman County, recently hired a Texas Tech Law graduate who participated in CRPDO. “The product was as advertised,” said Jordan. “Compared to graduates from other schools, the clinic alumna quickly set herself apart. As the department head, and attorney responsible for training and supervising these young lawyers, I’ve been consistently impressed by how prepared she is to immediately enter the courtroom. Her skills in client relations, research, and trial preparation and advocacy are unmatched by attorneys we have hired from other schools.”

Members of the Texas judiciary are equally impressed with the caliber of Texas Tech Law clinic students. In a letter attached to CRPDO’s contract renewal with Dickens County, County Judge Lesa Arnold wrote, “I am very thankful for the essential services the CRPDO offers and the cooperative effort that Donnie Yandell and Texas Tech law students bring to these rural counties. I have had the pleasure to meet each class of students since the beginning of the CRPDO, and each class represents themselves in a very professional manner and work hard to give their clients the absolute best representation.”



Dickens County Judge Lesa Arnold



CRPDO Chief Public Defender Donnie Yandell, left,  
with Stonewall County Judge Ronnie Moorhead

Stonewall County Judge Ronnie Moorhead agreed, saying “I have found all of the Texas Tech Law clinic students to be very bright young attorneys in the making, who are eager to provide the best defense possible for their assigned clients. I could not be more pleased with our association with CRPDO.”

In addition, the Commission welcomed its first Texas Tech Law extern this past spring through the law school’s Regional Externship Program. The program allows a select pool of third-year students to earn academic credit while working full-time in cities across the state. The Commission’s extern, Daniel Friedman, contributed 490 hours drafting articles and case summaries, analyzing new laws, and updating publications with new legislation.

## GRANT PROGRAM

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Friedman told [CourTex](#) earlier this year “I have been fortunate to meet many judges and influential lawyers in my short time here and even attended a Judicial Council meeting. What has most impressed me about working at TIDC so far is the passion and commitment that everyone connected to the Commission has shown for improving indigent defense across the state.” Texas Tech Law will send another extern to the Commission this spring.



Texas Tech University School of Law Dean Darby Dickerson and Tech Law Extern Daniel Friedman

## MONITORING PROGRAM

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The Commission is required by Section 79.037 of the Texas Government Code “to monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant.”<sup>2</sup> The Commission may only distribute funds “based on a county’s compliance with standards adopted by the board and the county’s demonstrated commitment to compliance with the requirements of state law relating to indigent defense.”<sup>3</sup> In response to this legislative directive the Commission has established policy and fiscal monitoring programs.

### **Policy Monitoring**

Policy monitoring reviews examine whether indigent defense policies and practices are in compliance with state law. A county is selected for an on-site monitoring review based on a combination of objective risk assessment scores and geographical distribution. Alternatively, a monitoring review can be triggered by a request from an elected state or local official. On-site policy reviews measure whether: 1) Article 15.17 hearings are held within forty-eight hours of arrest and defendants are able to request counsel at the hearing; 2) the county’s indigent defense plan sets a financial standard of indigence in compliance with Article 26.04 of the Code of Criminal Procedure; 3) the jurisdiction has a method for tracking continuing legal education (CLE) hours of attorneys on the appointment list; 4) counsel is appointed within statutorily required times; 5) appointments are distributed in a fair, neutral, and non-discriminatory manner; and 6) attorneys are paid according to a standard payment process. The review also consists of an examination of caseloads and usage of support services such as investigators and expert witnesses. Commission staff performed policy monitoring reviews varying in scope in FY 2014 in counties including Blanco, Callahan, Coleman, El Paso, Hidalgo, Jefferson, Kimble, Llano, McCulloch, McLennan, Menard, San Saba, Smith, Sutton, and Wharton.

In addition to on-site policy reviews, Commission staff conducted a comprehensive desk review of all county indigent defense plans to ensure that the plans meet all relevant standards. These plans are required by statute to be filed with the Commission every biennium and must describe local procedures covering the following areas: prompt magistration proceedings (prompt detention hearings for juvenile cases); indigence determination standards; minimum attorney qualifications; prompt appointment of counsel; attorney selection method; and standard payment methods.

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<sup>2</sup> Tex. Gov’t. Code § 79.037(a)(3).

<sup>3</sup> Tex. Gov’t. Code § 79.037(b).

## MONITORING PROGRAM

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This past year all plans had to be updated because of the new reporting requirements contained in HB 1318 discussed earlier. All plans must now include the requirement that all attorneys handling indigent criminal or juvenile cases submit their practice time report annually. Most juvenile plans were also required to be amended to reflect that an attorney must be appointed to represent an indigent juvenile prior to the initial detention hearing unless the juvenile court finds there are exigent circumstances preventing an appointment. The Commission updated its plan templates with model language to comply with these two new requirements. Counties that do not use the statutory default attorney assignment system (the appointment wheel) have added requirements. Each such county must now submit to the Commission with its indigent defense plans the plans of operation for a public defender's office or managed assigned counsel program, as well as a copy of any contract for indigent defense services maintained by the county. Each of these documents includes maximum allowable attorney caseloads, which appeared to be the focus of the bill. All indigent defense plans are available to the public on the Commission's website at <http://tidc.tamu.edu/Public>.

### **Revised Policy Monitoring Rules**

As part of the rule review required by Chapter 2001, Texas Government Code, the Commission reviewed the rules it uses to monitor county compliance with the Fair Defense Act and other indigent defense laws. Input was sought from key stakeholders during the review process and the Commission voted to publish for public comment a revised version of these rules at its August 2014 meeting. Some of the revisions reflect new legislation, such as updating the appointment of counsel time frames in juvenile cases that must now be made before the initial detention hearing in most cases. Other revisions broaden the factors used to determine which counties to monitor and to provide for limited scope reviews, which permit the Commission's limited staff to reach more jurisdictions each year. The new rules also reflect the Commission's practice of comprehensively reviewing all local indigent defense plans.

### **Fiscal Monitoring**

Each county is required to annually report the number of indigent cases in each court and their associated expenses. Staff conducted a thorough desk review of these reports, which are used to calculate formula grant awards. In addition, the Commission conducts on-site fiscal monitoring reviews to ensure that all Commission payments to counties are made in compliance with state law. A fiscal monitoring review includes interviews with local officials and staff and an examination of financial documents. The documents to be reviewed consist of attorney fee vouchers, general ledgers, accounting records, administrative expenses, and an inventory list of equipment purchased with grant funds (if applicable). In addition, the fiscal monitor examines the approved public appointment list, attorney applications or required documents for appointment of counsel, and attorneys' continuing legal education (CLE) training hours. Fiscal monitoring and technical assistance reviews during FY 2014 included Blanco, Callahan, Coleman, El Paso, Kimble, Lavaca, Llano, Lubbock, McCulloch, Matagorda, Menard, San Saba, Sutton, and Wharton Counties.

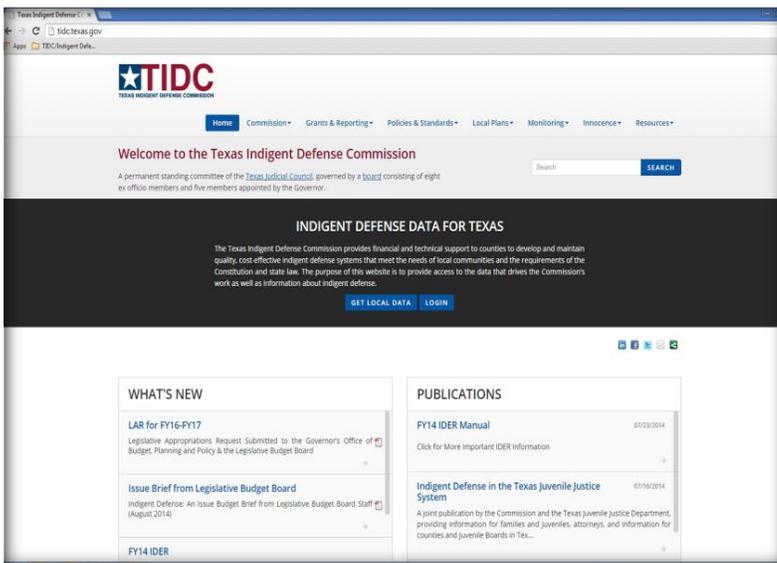
# EDUCATION, PUBLICATIONS, AND RESOURCES

The Commission makes available indigent defense information that enhances understanding of the Fair Defense Act and provides tools and resources that can help improve indigent defense in Texas. The Commission serves this function in a number of ways, including through its website, trainings, presentations, site visits, studies, e-newsletters, and other outreach described below.

## Trainings

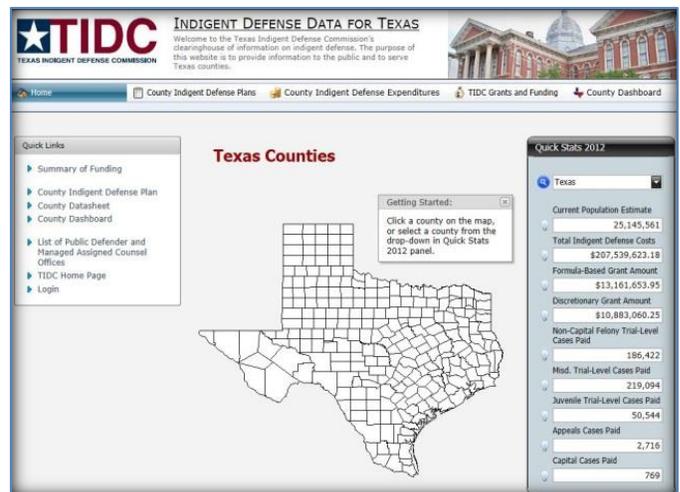
The Commission hosted an Indigent Defense Workshop for Texas Counties on October 28 and 29, 2013, to review recent developments and consider opportunities to improve the state's indigent defense system. Over one hundred county officials, members of the judiciary, legislative staff, and attorneys attended the [presentations](#) and workgroups. Also in FY 2014 Commission staff gave twenty-five educational presentations around the state amounting to approximately forty-five hours of training to more than 1,500 judges, county officials, and attorneys.

## New Commission Website

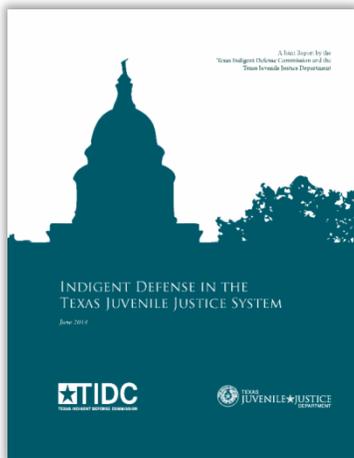


With the support of the Office of Court Administration's (OCA's) Information Services Division, the Commission launched a new website in August 2014 at [www.tidc.texas.gov](http://www.tidc.texas.gov). The new site goes beyond a cosmetic refresh and will improve the Commission's ability to update and maintain website content. The cleaner interface will make it easier for visitors to find the information they are seeking.

Comprehensive county and statewide indigent defense data is available on our county reporting and public data site at <http://tidc.tamu.edu/public.net>.



## Juvenile Indigent Defense Resource



In July 2014 the Commission completed an extensive revision to a 2007 publication on Texas' juvenile justice indigent defense system. The new publication, [Indigent Defense in the Texas Juvenile Justice System](#), is once again a joint publication with the Texas Juvenile Justice Department. It has a new look and has been updated to include recent changes in the law regarding the time limits for appointing counsel and the new county reporting requirements. The publication has sections to provide key information on juvenile indigent defense law to juvenile law practitioners, such as how attorneys may be appointed in indigent juvenile cases. It also has information for parents and youth, covering topics such as who has the right to an attorney, how a judge decides who can receive an appointed attorney, and when counsel should be appointed.

## Program Evaluations

The Commission continues to conduct research and program evaluations to build the knowledge base available for informing county decision makers on effective practices. [Full reports](#) are available on the Commission's website.

- [Bowie and Red River Public Defender Evaluation](#): The program provided earlier access to counsel for indigent defendants, contributed to an improvement in case processing time, and reduced indigent defense costs.
- [Harris County Public Defender \(HCPD\) Evaluation](#): The program is providing high-quality services that yield outcomes for indigent clients that compare favorably with those in indigent cases appointed counsel outside of the HCPD.
- [Bell County Indigent Defense System Evaluation](#): The report documented compliance with key statutory timelines regarding access to counsel using data drawn from the indigent defense management software.
- [Fort Bend County Mental Health Public Defender Evaluation](#): The report documented a decreasing trend in pre-disposition jail days for program clients, yielding substantial savings for the county.
- [Williamson County Indigent Defense System Assessment](#): The report identified several opportunities for indigent defense improvements, including utilization of technology to improve visibility of system performance, centralization of indigent defense process management, and consideration of a misdemeanor public defender as a more cost-effective method for handling growing misdemeanor caseloads.
- [Montgomery County Mental Health Managed Assigned Counsel Program Report](#): The report documented favorable attorney assessments of the program's support services for mentally ill defendants and reviewed recidivism data.

## EDUCATION, PUBLICATIONS, AND RESOURCES

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### **E-Newsletters**

The Commission distributes an e-Newsletter to approximately 2,000 recipients after each board meeting (typically four times a year) to inform counties of indigent defense developments. The newsletter also highlights county success stories and Commission studies and publications. [Newsletters are archived](#) on the Commission's website.

### **Technical Assistance**

The Commission makes technical assistance available to county personnel regarding the requirements of the Fair Defense Act. The assistance may be via phone or an on-site visit. Staff members, including the executive director, traveled to many jurisdictions across the state during the year. Visits were related to program improvements, grant funding, and expenditure reporting. The Commission places a high priority on communication, training, and educating all stakeholders in the indigent defense process. This assistance may be in the form of a presentation or an informal meeting requested by a county grappling with spikes in spending, process-related challenges, and other related issues.

### **Commission Law Clerks**

The Commission thanks Daniel Friedman, Texas Tech University School of Law Extern, for his assistance during FY 2014. Mr. Friedman assisted the director and staff on numerous projects that included drafting articles and case summaries, analyzing new laws, and updating publications with new legislation. The Commission is also grateful to law clerks Brittany Long and Allison Cunningham, 3L students from the University of Texas School of Law, for their assistance during the year. Ms. Long and Ms. Cunningham conducted legal research, worked on various agency publications, and helped counties complete their indigent defense plans.

## INNOCENCE PROGRAM

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In 2005 the Texas Legislature directed the Commission to contract with four public law schools to operate innocence projects: the University of Texas School of Law, Texas Tech University School of Law, the Thurgood Marshall School of Law at Texas Southern University, and the University of Houston Law Center. These projects organize law students who work with attorneys to review claims of actual innocence from Texas inmates. The complete annual reports filed by the participating innocence projects, as well as previously filed Exoneration Reports and other information on the innocence program, are available on the Commission's website at [Innocence Program Overview](#).

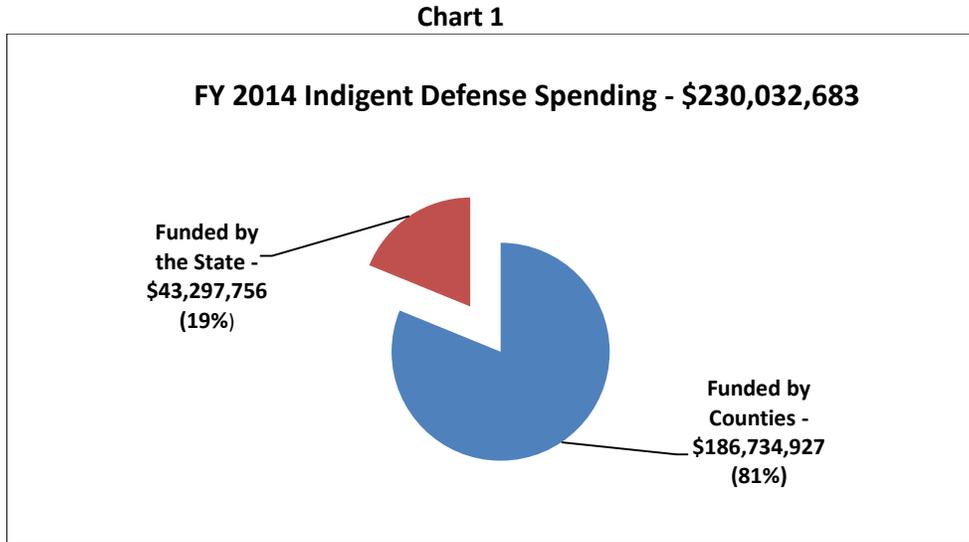
In FY 2014 the Commission contracted with the Public Policy Research Institute at Texas A&M University to conduct a program evaluation report that describes the innocence program's operations and assesses the impact of state funding. An assessment is timely because Texas has recently added two new public law schools and requests for additional funding for these schools, as well as for existing programs, are anticipated. Additionally, the operational models developed by the various programs vary widely, from using university employees to contracting with independent non-profits. The final report will be provided in December 2014.

The University of Texas School of Law's Actual Innocence Clinic represented a defendant who was exonerated during FY 2014. On August 6, 2014 the Texas Court of Criminal Appeals granted habeas relief based on actual innocence for Michael Phillips. Phillips was convicted of sexual assault in 1990 and later convicted for failure to register as a sex offender in 2004. DNA evidence excluded Mr. Phillips and implicated another man as the perpetrator. A full exoneration report will be provided by the clinic and posted on the Commission's website in FY 2015.

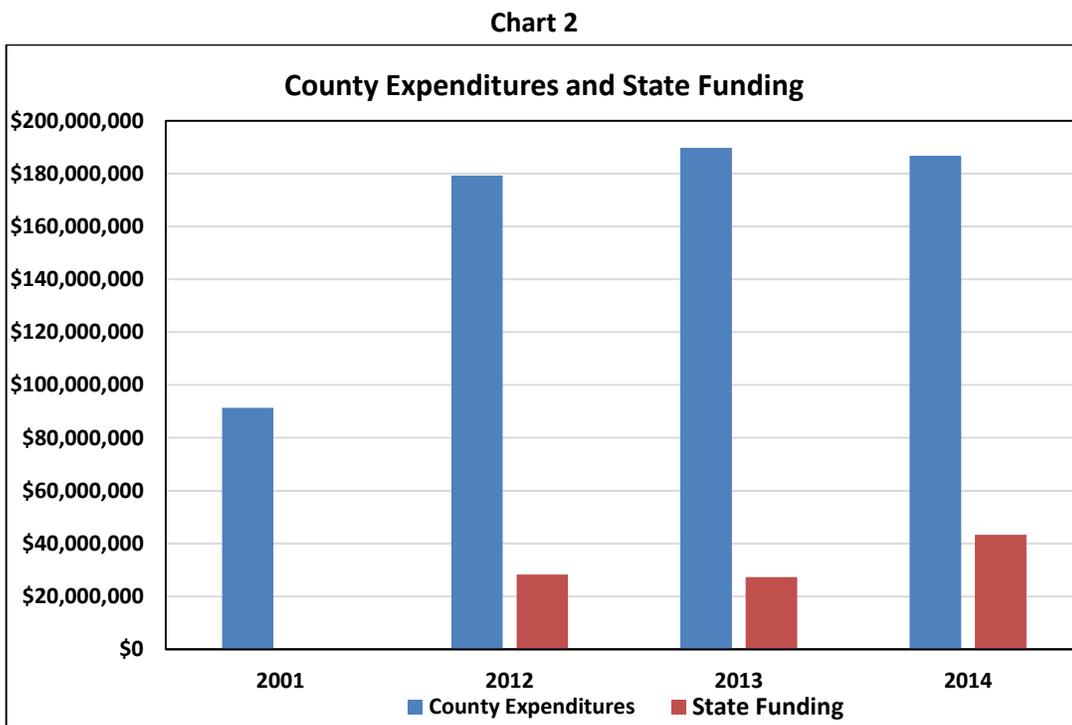
# EXPENDITURE REPORT

## FY 2014 State and County Spending on Indigent Defense

Total indigent defense expenditures in FY 2014 were \$230,032,683. Of that amount counties funded \$186,734,927 and the state funded \$43,297,756 through the Commission’s grant programs, as shown in Chart 1 below.



The total FY 2014 expenditures of \$230,032,683 represent a 6 percent increase over FY 2013 expenses of \$217,068,685. The Commission provided funding in the amount of \$43,297,756 in FY 2014, \$27,374,844 in FY 2013, and \$28,305,401 in FY 2012, as shown in Chart 2.



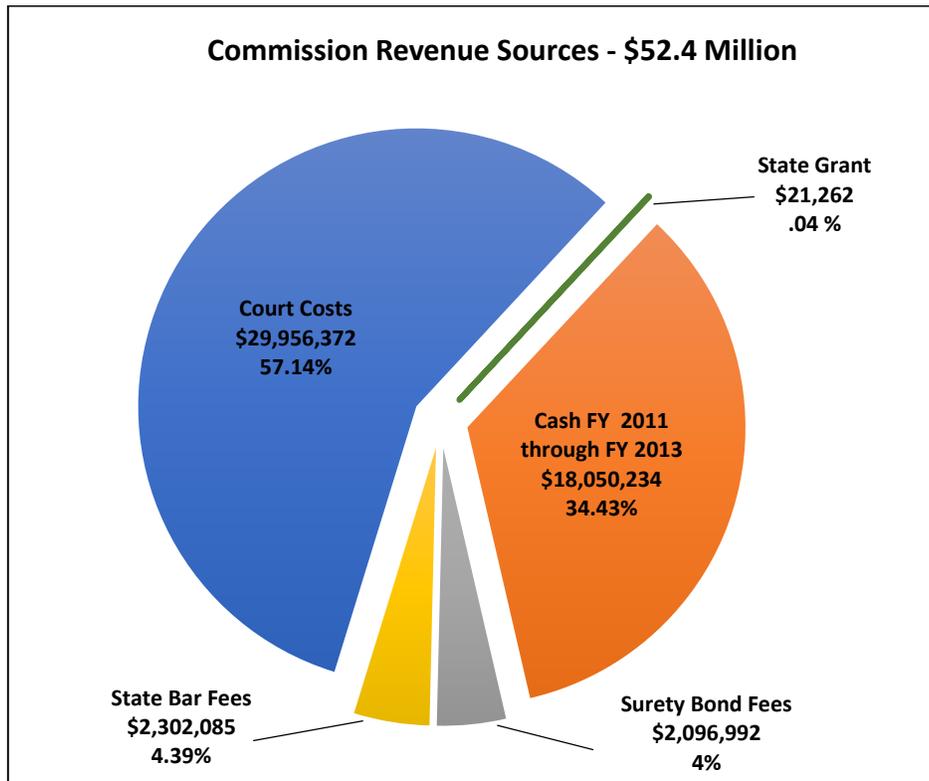
## Commission Revenue Sources

The primary sources of state funding for indigent defense in Texas are court costs and fees. Court costs are the largest source of revenue and are amounts paid by a defendant upon conviction for a range of offenses from fine only misdemeanors to felonies. This fiscal year \$29,956,372 in total court costs was collected for the purpose of indigent defense.<sup>4</sup>

The Commission also receives funding from Surety Bond Fees and State Bar Fees. A fifteen-dollar fee is assessed when posting a surety bond (bail bond). One-third of that fee goes to the Fair Defense Account, and the remaining balance goes to support longevity pay for prosecutors. This year the Commission received \$2,096,992 from Surety Bond Fees. A sixty-five-dollar fee is assessed by the State Bar of Texas as part of each attorney’s bar dues. One-half of the fees collected is allocated to the Fair Defense Account, and this fiscal year the Commission received \$2,302,085 from this fee. Also this year the Commission received a \$21,262 grant from the Governor’s Criminal Justice Division to support the Commission’s Indigent Defense Workshop. Chart 3 below illustrates revenue sources for FY 2014.

Two changes to the Commission’s appropriations were made by the 82<sup>nd</sup> Legislature: no unexpended balance between biennia and appropriations for FY 2012-13 were capped at a sum-certain amount, which eliminated the estimated appropriation authority for Fair Defense Account funds that the Commission had since its inception. Revenue available in FY 2014 included \$18,050,234 in cash that had accumulated in the Fair Defense Account in the previous biennium but which the legislature did not appropriate in the FY 2012-13 budget.

**Chart 3**



<sup>4</sup> Court costs consist of two different types of courts costs that have been implemented incrementally since the passage of the Fair Defense Act: original court costs and juror pay court costs.

**Grant Disbursements**

**Table 1: Competitive Discretionary Grants**

This year the Commission disbursed \$36,739,331 in formula grants and \$6,558,425 in discretionary grants for a total statewide distribution of \$43,297,756.

**Formula Grants** are calculated based on a combination of population and county indigent defense expenditures. The amount is based upon a county's percentage of state population and percentage of state indigent defense expenses multiplied by the Commission's budgeted amount for formula grants. In FY 2014, 251 counties qualified and received disbursements totaling \$36,739,331, which represents 85 percent of total grants disbursed. Appendix A lists all counties that received a formula grant.

**Discretionary Grants** include these four types of grants:

**Competitive Discretionary Grants.** The Commission disbursed \$6,158,425 in competitive discretionary grants, which represents 14 percent of total grants disbursed. A summary of these disbursements is shown in Table 1.

County	Program Purpose	Amount Disbursed
<b>Statewide/Regional Program</b>		
Lubbock	Regional Public Defender Office for Capital Cases	\$2,072,875
<b>Technology Programs</b>		
Bowie	Case Management Software	\$5,000
Collin	Indigent Defense Process Management	\$0
Jefferson	Video Conference System	\$0
Tarrant	Indigent Defense Process Management	\$1,078,120
<b>Mental Health Programs</b>		
Bell	Mental Health Case Workers	\$34,000
Coryell	Mental Health Defender	\$64,224
Fort Bend	Mental Health Public Defender	\$36,685
Harris	Mental Health Attorney Certification	\$50,140
Kaufman	Mental Health Attorney/Advocate Team	\$41,583
Wichita	Mental Health Social Worker	\$40,617
<b>Managed Assigned Counsel Programs (MAC)</b>		
Collin	Mental Health MAC	\$126,969
Lubbock	Felony and Misdemeanor MAC	\$160,000
Montgomery	Mental Health MAC	\$144,412
<b>Specialized Defender Programs</b>		
Dallas	Immigration/Criminal Law Program	\$2,194
El Paso	Problem Solving Court Attorney	\$37,729
<b>Programs Serving Rural Areas</b>		
Brown	Regional Indigent Defense Coordinator	\$36,750
Dickens	Caprock Regional Public Defender Office	\$288,400
Uvalde	Indigent Defense Coordinator	\$20,818
<b>Public Defender Programs</b>		
Burnet	Public Defender Office	\$200,440
Harris	Defender Office	\$1,600,281
Hidalgo	Public Defender Office - Juvenile Section	\$119,188
		<b>TOTAL</b>
		<b>\$6,158,425</b>

**Table 2: Extraordinary Disbursement Grants**

**Extraordinary Disbursement Grants.** The Commission disbursed \$400,000 in extraordinary disbursement grants, as shown in Table 2, which represents 1 percent of total grants disbursed.

County	Amount Disbursed
Brazos County	\$100,000
Brown County	\$200,000
Johnson County	\$100,000
<b>TOTAL</b>	<b>\$400,000</b>

**Technical Support Grants.** The Commission did not disburse any funds in FY 2014 for Technical Support Grants.

**Targeted Specific Grants.** In FY 2014 one targeted specific grant was awarded, but at the time of this report no expenses were claimed.

**Table 3: Innocence Projects**

**Innocence Projects.** In addition to its core mission of supporting county indigent defense systems, the Commission also administers legislatively directed grants to Texas public law schools to operate innocence projects. For the FY 2014-15 biennium the Texas Legislature appropriated \$800,000, or \$200,000 per law school per biennium. Disbursements for each funded project are shown in Table 3.

Law School	Amount Disbursed
University of Houston	\$93,331
University of Texas	\$67,922
Texas Southern University	\$100,000
Texas Tech University	\$75,000
<b>TOTAL</b>	<b>\$336,253</b>

## FY 2014 Commission Operating Budget

This fiscal year the Commission expended \$907,684 for administrative costs from the Fair Defense Account. Administrative costs represent 2 percent of the total amount expended. These expenses included salaries for eleven full-time staff, travel for board members and staff, an on-line data system that provides public access to county indigent defense plans and expenditures through the internet, and other administrative functions as shown in the chart below.

Budget Category	FY 2014 Total Expended	FY 2013 Comparative Total
Salaries & Wages	\$688,676	\$664,855
Other Personnel Costs	\$24,240	\$37,656
Benefit Replacement Pay	\$2,054	\$2,310
Payroll Related Costs	\$10,798	\$6,455
Temporary Services	\$5,630	\$0
Professional Fees & Services	\$211	\$461
Computer/Programming Services	\$0	\$6,800
In-State Travel	\$31,792	\$24,642
Out-of State Travel	\$2,022	\$3,693
Training	\$3,029	\$3,260
Postage	\$1,525	\$3,547
Materials & Supplies	\$5,769	\$26,125
Printing & Reproduction	\$430	\$519
Maintenance & Repairs	\$4,297	\$1,253
Telecommunications	\$10,315	\$7,915
Rentals & Leases	\$2,575	\$3,285
Other Operating Expenses	(1) \$254,482	\$142,225
Innocence Project	\$336,253	\$269,084
Formula Grant	\$36,739,331	\$19,883,998
Discretionary Grant	\$6,158,425	\$6,724,275
Extraordinary Disbursement Grant	\$400,000	\$640,259
Technical Assistance/Targeted Specific Grant	\$0	\$126,312
Total Expended	\$44,681,854	\$28,578,929

Method of Finance Category	FY 2014 Method of Finance	FY 2013 Method of Finance
Fund 5073, Fair Defense Account, Court Costs	\$22,580,769	\$23,135,251
Surety Bond Fee	\$2,096,992	\$2,127,927
State Bar Fee	\$2,302,085	\$2,326,557
Juror Pay Fee	\$7,375,603	\$9,042,121
State Grant	\$21,262	\$0
Total Revenue	\$34,376,711	\$36,631,856
FY 2014/FY 2013 Employee Benefits	(\$172,434)	(\$150,312)
FY 2012 Carryforward—Appropriated & Unappropriated		\$4,944,347
FY 2013 Carryforward—Appropriated & Unappropriated	(2) \$18,050,234	(\$12,846,962)
FY 2014 Carryforward	(3) (\$7,572,657)	
Total Method of Finance	\$44,681,854	\$28,578,929

(1) Includes \$138,107 contract for Weighted Caseload Study.

(2) Cash received above the appropriated cap set by the legislature and unexpended cash held from FY 2011 through FY 2013.

(3) \$1,130,084 for the Office of Capital Writs (OCW), \$1,259,764 for discretionary grants, and \$62,664 for formula grants will come out of this carryforward amount.

## Appendix A

### FY 2014 Formula Grant Disbursements

County	Grant Disbursement
Anderson	\$84,892
Andrews	\$32,251
Angelina	\$120,762
Aransas	\$0 (no grant)
Archer	\$14,066
Armstrong	\$7,037
Atascosa	\$61,542
Austin	\$39,652
Bailey	\$15,524
Bandera	\$30,534
Bastrop	\$111,133
Baylor	\$8,090
Bee	\$64,817
Bell	\$431,004
Bexar	\$2,208,438
Blanco	\$13,820
Borden	\$2,265
Bosque	\$22,063
Bowie	\$139,289
Brazoria	\$391,398
Brazos	\$367,499
Brewster	\$14,686
Briscoe	\$3,384
Brooks	\$15,320
Brown	\$77,683
Burleson	\$33,064
Burnet	\$61,752
Caldwell	\$62,659
Calhoun	\$27,543
Callahan	\$17,736
Cameron	\$490,417
Camp	\$21,886
Carson	\$18,269
Cass	\$52,288
Castro	Special Conditions
Chambers	\$49,657
Cherokee	\$60,339
Childress	\$19,926
Clay	\$17,114
Cochran	\$7,969
Coke	\$8,424
Coleman	\$17,228
Collin	\$1,018,741
Collingsworth	\$9,557
Colorado	\$33,746
Comal	\$141,090
Comanche	\$18,260
Concho	\$10,601
Cooke	\$55,939
Coryell	\$85,967
Cottle	\$5,477
Crane	\$9,319
Crockett	\$14,650

County	Grant Disbursement
Crosby	\$11,416
Culberson	\$3,360
Dallam	\$15,119
Dallas	\$3,928,889
Dawson	\$21,283
Deaf Smith	\$20,883
Delta	\$8,410
Denton	\$785,653
DeWitt	\$30,896
Dickens	\$7,783
Dimmit	\$15,633
Donley	\$10,512
Duval	\$22,859
Eastland	\$33,001
Ector	\$178,770
Edwards	\$7,323
El Paso	\$1,502,087
Ellis	\$204,927
Erath	\$50,150
Falls	\$31,652
Fannin	\$65,999
Fayette	\$33,548
Fisher	\$9,745
Floyd	\$11,487
Foard	\$4,553
Fort Bend	\$883,299
Franklin	\$14,602
Freestone	\$27,819
Frio	\$28,671
Gaines	\$25,370
Galveston	\$407,036
Garza	\$10,890
Gillespie	\$27,969
Glasscock	\$6,688
Goliad	\$15,297
Gonzales	\$29,299
Gray	\$49,692
Grayson	\$164,779
Gregg	\$201,841
Grimes	\$43,312
Guadalupe	\$158,233
Hale	\$55,366
Hall	\$9,982
Hamilton	\$16,054
Hansford	\$10,809
Hardeman	\$9,397
Hardin	\$77,193
Harris	\$5,522,894
Harrison	\$103,931
Hartley	\$14,934
Haskell	\$13,761
Hays	\$230,526
Hemphill	\$10,993

County	Grant Disbursement
Henderson	\$122,391
Hidalgo	\$1,028,534
Hill	\$62,512
Hockley	\$31,689
Hood	\$79,359
Hopkins	\$44,177
Houston	\$42,010
Howard	\$40,520
Hudspeth	\$8,330
Hunt	\$235,433
Hutchinson	\$45,691
Irion	\$5,707
Jack	\$15,177
Jackson	\$28,069
Jasper	\$54,525
Jeff Davis	\$7,864
Jefferson	\$364,092
Jim Hogg	\$10,798
Jim Wells	\$54,097
Johnson	\$208,602
Jones	\$27,933
Karnes	\$20,762
Kaufman	\$162,018
Kendall	\$37,924
Kenedy	\$7,943
Kent	\$5,271
Kerr	\$82,570
Kimble	\$11,381
King	\$1,617
Kinney	\$7,262
Kleberg	\$63,455
Knox	\$9,877
La Salle	\$17,692
Lamar	\$83,961
Lamb	\$20,914
Lampasas	\$30,221
Lavaca	\$23,986
Lee	\$27,984
Leon	\$17,538
Liberty	\$113,943
Limestone	\$44,177
Lipscomb	\$8,071
Live Oak	\$1,896
Llano	\$27,689
Loving	\$5,605
Lubbock	\$475,328
Lynn	\$10,394
Madison	\$25,955
Marion	\$19,457
Martin	\$9,325
Mason	\$9,393
Matagorda	\$34,581
Maverick	Special Conditions

County	Grant Disbursement
McCulloch	\$16,339
McLennan	\$471,739
McMullen	\$4,664
Medina	\$56,263
Menard	\$7,908
Midland	\$201,918
Milam	\$44,878
Mills	\$10,522
Mitchell	\$18,209
Montague	\$31,713
Montgomery	\$742,327
Moore	\$51,787
Morris	\$21,402
Motley	\$2,107
Nacogdoches	\$80,770
Navarro	\$73,017
Newton	\$22,628
Nolan	\$28,689
Nueces	\$527,099
Ochiltree	\$17,341
Oldham	\$9,197
Orange	\$93,657
Palo Pinto	\$36,813
Panola	\$37,913
Parker	\$179,542
Parmer	\$13,107
Pecos	\$9,308
Polk	\$77,349
Potter	\$220,705
Presidio	\$12,198
Rains	\$16,630
Randall	\$180,046
Reagan	\$8,792
Real	\$9,684
Red River	\$9,439
Reeves	\$26,089
Refugio	\$14,281
Roberts	\$6,345
Robertson	\$30,633
Rockwall	\$92,041
Runnels	\$18,377
Rusk	\$56,136
Sabine	\$16,218
San Augustine	\$16,967
San Jacinto	\$33,492
San Patricio	\$35,954
San Saba	\$12,112
Schleicher	\$8,772
Scurry	\$22,000
Shackelford	\$8,952
Shelby	\$43,832
Sherman	\$9,508
Smith	\$281,408

County	Grant Disbursement
Somervell	\$13,467
Starr	\$68,443
Stephens	\$22,546
Sterling	\$7,246
Stonewall	\$7,113
Sutton	\$10,919
Swisher	\$17,284
Tarrant	\$2,502,978
Taylor	\$222,919
Terrell	\$4,582
Terry	\$20,919
Throckmorton	\$4,850
Titus	\$47,922
Tom Green	\$179,180
Travis	\$1,494,376
Trinity	\$23,383
Tyler	\$30,184
Upshur	\$57,831
Upton	\$14,055
Uvalde	\$32,962
Val Verde	\$54,275
Van Zandt	\$76,498
Victoria	\$125,161
Walker	\$121,427
Waller	\$70,174
Ward	\$21,494
Washington	\$48,733
Webb	\$471,588
Wharton	\$48,458
Wheeler	\$13,467
Wichita	\$253,208
Wilbarger	\$21,183
Willacy	\$43,291
Williamson	\$470,511
Wilson	\$53,413
Winkler	\$12,810
Wise	\$81,213
Wood	\$24,855
Yoakum	\$14,883
Young	\$43,932
Zapata	\$21,732
Zavala	\$16,007
<b>TOTAL</b>	<b>\$36,739,331</b>