

Annual Report Fiscal Year 2018





TEXAS INDIGENT DEFENSE COMMISSION

209 W. 14th Street, Room 202
Austin, Texas 78701
Phone: 512-936-6994; Fax: 512-463-5724
www.tidc.texas.gov

FY 2018 Members and Staff

Ex Officio Members:

Honorable Sharon Keller	Austin, Presiding Judge, Court of Criminal Appeals
Honorable Nathan L. Hecht	Austin, Chief Justice, Supreme Court of Texas
Honorable John Whitmire	Houston, State Senator
Honorable Brandon Creighton	Conroe, State Senator
Honorable Joseph “Joe” Moody	El Paso, State Representative
Honorable Andrew Murr	Junction, State Representative
Honorable Sherry Radack	Houston, Chief Justice, First Court of Appeals
Honorable Vivian Torres	Rio Medina, Judge, Medina County Court at Law

Members Appointed by the Governor:

Mr. Alex Bunin	Houston, Chief Public Defender, Harris County Public Defender Office
Honorable Jon Burrows	Temple, Bell County Judge
Honorable Richard Evans	Bandera, Bandera County Judge
Mr. Don Hase	Arlington, Attorney, Ball & Hase
Honorable Missy Medary	Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas

Staff:

Geoff Burkhart	Executive Director
Claire Buetow	Policy Analyst
Edwin Colfax	Grant Program Manager
Scott Ehlers	Special Counsel
Marissa Kubinski	Executive Assistant
Joel Lieurance	Senior Policy Monitor
Wesley Shackelford	Deputy Director
Morgan Shell	Policy Analyst
Debra Stewart	Fiscal Monitor
Doriana Torres	Grant Specialist
Sharon Whitfield	Budget & Accounting Analyst

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.

This report is submitted pursuant to section 79.039, Government code.

TABLE OF CONTENTS

Chair’s Letter	iii
Message from the Executive Director	iv
2018 Key Achievements	v
Legislature.....	1
Funding.....	2
A. Formula Grants	4
B. Improvement Grants	4
C. Innocence Projects.....	7
Oversight.....	8
A. Indigent Defense Expenditure Reports	8
B. Indigent Defense Plans	8
C. Fiscal Monitoring.....	9
D. Policy Monitoring.....	9
E. Complaint Process	10
Improvement.....	11
A. Publications	11
B. Trainings and Presentations.....	11
C. Technical Assistance.....	11
D. Data	11
E. Awards + Events	13
Appendix A – TIDC Trainings.....	14
Appendix B – Improvement Grant Disbursements	16
Appendix C – FY18 Formula Grant Disbursements by County	19
Appendix D – Operating Budget.....	21
Appendix E – Method of Finance.....	22



April 8, 2018

Governor Greg Abbott
Lieutenant Governor Dan Patrick
Speaker of the House Dennis Bonnen
Chief Justice Nathan Hecht
Texas Judicial Council

Ladies and Gentlemen:

It is our privilege to submit this report regarding the activities and accomplishments of the Texas Indigent Defense Commission (TIDC) in fiscal year 2018. It is remarkable what 11 staff members can achieve in 12 months. TIDC not only sustained its work in key areas, but also continued to develop innovative approaches to indigent defense. Texas is showing how to be more effective and more efficient in the delivery of indigent defense services.

Texas continues to gain recognition as a national leader in indigent defense, due in part to TIDC's collaboration with counties to fund new approaches to improving indigent defense services. The ongoing support of the Governor and Legislature are critical to our success.

Sincerely,

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

Sharon Keller
Chair



MESSAGE FROM THE EXECUTIVE DIRECTOR

It is an honor and a privilege to serve as TIDC's Executive Director. Few entities can do so much—including funding, oversight, and improvement in 254 counties—with such a small staff.

In FY18, TIDC awarded \$23.3 million in Formula Grants, \$8.1 million in Improvement Grants, and \$600,000 to innocence projects. We collected Indigent Defense Expenditure Reports (IDERS) from 254 counties and conducted policy or fiscal monitoring in 26 of those counties. TIDC also streamlined its complaint process, released 3 major publications, and trained over 1,000 judges, lawyers, magistrates, and elected officials.

I am looking forward to continuing to improve Texas indigent defense in FY19.

Sincerely,



Geoffrey Burkhardt
Executive Director, Texas Indigent Defense Commission



2018 KEY ACHIEVEMENTS

Funding

- Awarded \$23.3 million in Formula Grants to 253 counties
- Awarded \$8.1 million in Improvement Grants to 26 counties
- Awarded \$600,000 to 6 Innocence Projects

Oversight

- Analyzed Indigent Defense Expenditure Reports for 254 counties
- Conducted 13 policy monitoring and 13 fiscal monitoring reviews
- Streamlined TIDC's complaint process

Improvement

- Released 3 major publications
- Trained over 1,000 judges, lawyers, magistrates, and officials
- Helped launch 2 public defender offices and drafted plans for 4 more
- Launched the Texas Chief Public Defender group
- Created the National Indigent Defense Commissions Work Group

LEGISLATURE

Legislative Appropriations Request

Pursuant to Section 79.033, Texas Government Code, TIDC submits its Legislative Appropriations Request (LAR) separately from the Office of Court Administration. [TIDC's FY2020-2021 LAR](#) includes one exceptional item and one rider revision.

Exceptional Item: Restore estimated appropriation authority.

Approximately \$15 million per year in additional funding is flowing into the Fair Defense Account due to the passage of SB 2053 from the 85th Legislature. This request would appropriate these funds so that TIDC could help counties improve their indigent defense systems.

Rider Revision: Remove TIDC's administrative and FTE caps.

TIDC is subject to OCA's 236-FTE cap, as well as its own 11-FTE cap, an administrative budget cap, and board oversight. Other judicial branch commissions are subject only to OCA's cap and board oversight. TIDC requests revisions to riders in the appropriations bill to lift the cap on the amount of funding that may be spent on administration and the number of staff it may employ. Lifting the cap and slightly expanding the administrative budget will allow TIDC to meet monitoring, funding, and technical assistance needs.

How TIDC Will Use These Funds

(1) Monitoring

- TIDC monitoring is how Texas knows whether its 254 counties comply with state and federal indigent defense laws.
- In 17 years, TIDC has found noncompliance in every county it has monitored and has worked to bring those counties into compliance. At its current rate, it will take TIDC over 20 years to monitor all 254 counties.
- TIDC will add 3 policy analysts to create a 10-year monitoring cycle with timely follow-up visits and swift-and-certain remediation.

(2) System Development

- TIDC has helped establish 13 of Texas's 20 public defender offices, which offer improved quality, data, efficiency, and accountability.
- Over a dozen counties have recently asked TIDC to help build public defender offices.
- TIDC will use funds to hire 1 FTE and incentivize counties to develop public defender offices and other managed systems.

(3) Training and Mentoring

- Training and mentoring enables judges and lawyers to meet constitutional, statutory, and ethical duties.
- TIDC will expand magistration and appointment-of-counsel training for judges and justices of the peace.
- TIDC will also work with partners to create rigorous mentoring programs for new defense attorneys.

Legislative Proposals to Improve Indigent Defense

Section 79.035, Texas Government Code, charges TIDC with recommending to the legislature ways to improve Texas's indigent defense system. After careful review of each proposal and with the assistance of a stakeholder's workgroup, the TIDC Board approved the following for consideration by the 86th Legislature:

1. Modify Article 15.17, Code of Criminal Procedure, to ensure magistration forms are properly preserved.
2. Repeal requirement that public defender attorneys must inform the appointing judge of the results of any investigation into a defendant's financial circumstances.
3. Amend Article 26.05, Code of Criminal Procedure, to clarify that defendants may request a reconsideration of a court's order to repay attorney costs due to changes in financial circumstances.
4. Clarify the public defender's office priority appointment statute and clarify that the priority statute applies in capital case appointments.
5. Specifically provide for a limited scope attorney appointment to represent an arrestee at the Article 15.17, Code of Criminal Procedure, hearing ("magistration").
6. Allow attorneys with a private criminal defense practice to work part-time for public defender offices in representing defendants at Article 15.17 hearings.
7. Cleanup bill to harmonize two versions of Section 79.037, Government Code, relating to TIDC's grants authority.

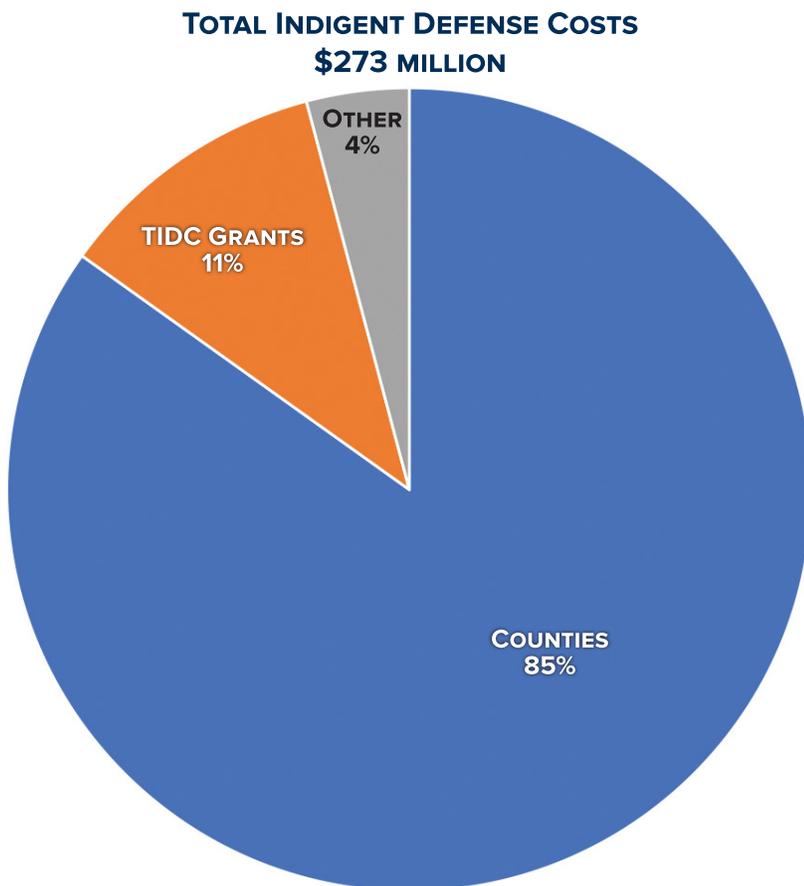
FUNDING

TIDC funding promotes compliance with the law and encourages more efficient and effective public defense. There are 3 broad types of TIDC funding:

- A. Formula Grants
- B. Improvement Grants
- C. Innocence Projects

Before taking a closer look at each type, this section summarizes current and historical Texas indigent defense expenditures.

Indigent Defense Expenditures



In FY18, Texas counties reported spending **\$273,225,696** on indigent defense, a 4% increase over 2017.

TIDC invested **\$30,042,833** in indigent defense grants to counties, offsetting approximately 11% of county costs statewide. Pending FY18 grant award obligations total **\$1,043,191**.

In addition to TIDC grants, counties reported receiving the following reimbursements for indigent defense costs:

- Reimbursements collected from defendants: \$10,281,678
- Reimbursements from State Comptroller for writs of habeas corpus in death penalty cases: \$12,747
- Other amounts for indigent defense costs from private or non-TIDC government grants: \$957,397

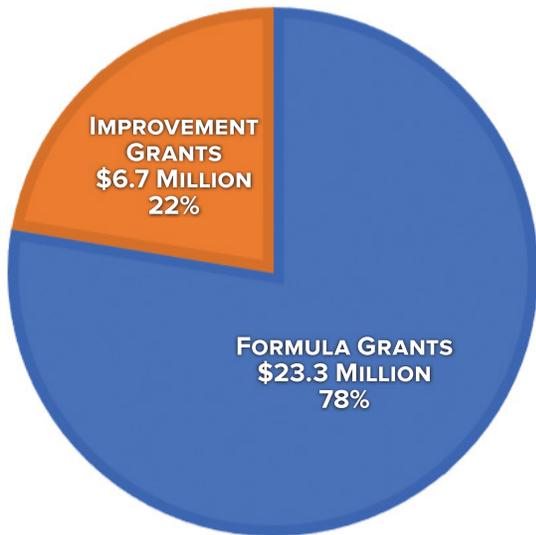
Historical County Indigent Defense Expenditures and State Investment

Year	County Expenditures			State Investment	
	Gross Expenditures (millions)	Net Expenditures ³ (millions)	Annual Increase	Total Grants Disbursed (millions)	Grants as % of County Expenditures
2001	\$91.4	\$91.4	—	\$0.0	0%
2002	\$114.0	\$114.0	25%	\$7.2	6%
2003	\$129.3	\$129.3	13%	\$11.5	9%
2004	\$138.3	\$138.3	7%	\$11.6	8%
2005	\$140.3	\$140.3	1%	\$13.6	10%
2006	\$149.0	\$149.0	6%	\$13.8	9%
2007	\$161.1	\$161.1	8%	\$16.9	10%
2008	\$174.2	\$174.1	8%	\$21.0	12%
2009	\$186.9	\$186.4	7%	\$27.6	15%
2010	\$195.1	\$194.6	4%	\$27.5	14%
2011	\$198.4	\$197.7	2%	\$33.7	17%
2012	\$207.5	\$206.3	4%	\$28.2	14%
2013	\$217.1	\$215.4	4%	\$27.4	13%
2014	\$229.9	\$228.1	6%	\$44.8	20%
2015	\$238.0	\$235.6	3%	\$30.0	13%
2016	\$247.7	\$245.6	4%	\$32.5	13%
2017	\$265.1	\$263.3	7%	\$38.5	15%
2018	\$276.2	\$273.2	4%	\$30.0	11%

3. After accounting for county-to-county reimbursements for regional programs. Does not include reimbursements from defendants or other reimbursements.

A. Formula Grants

TIDC GRANT DISBURSEMENTS

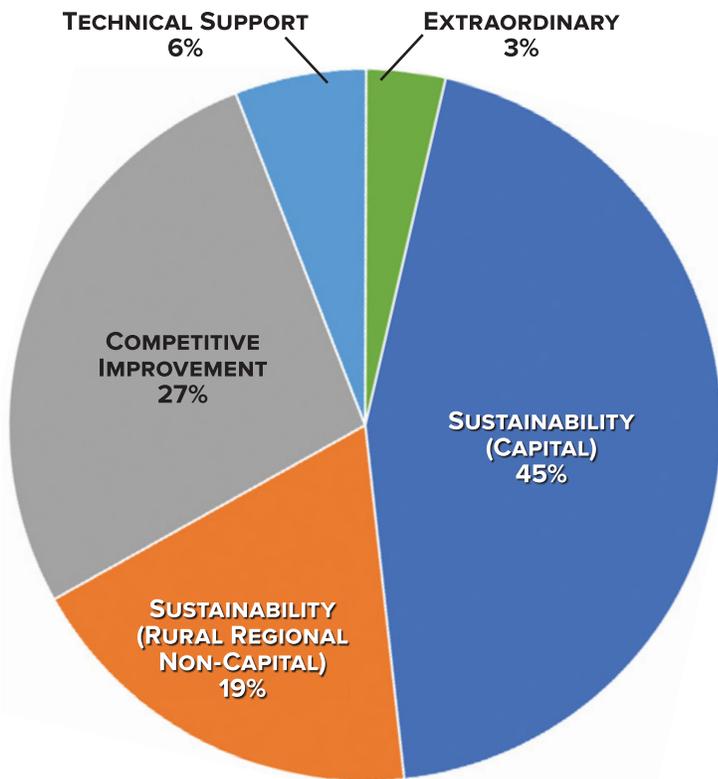


TIDC disbursed \$23.3 million in formula grants to 253 Texas counties in FY18 to help ensure that all Texans have access to constitutionally required legal defense. Formula grants are awarded annually to all qualifying counties. The amount is based on a county’s percentage of state population and percentage of state indigent defense expenses multiplied by the Commission’s budgeted amount for formula grants.

In FY18, formula grant disbursements represented **78 percent** of total grants disbursed. This amount includes \$1 million in supplemental formula grant funding for capital defense disbursed to 14 counties not eligible to participate in the Regional Public Defender Office for Capital Cases: Bexar, Cameron, Collin, Dallas, Denton, El Paso, Fort Bend, Harris, Hidalgo, Montgomery, Nueces, Tarrant, Travis, and Williamson. *See Appendix C for formula grant disbursement by county.*

B. Improvement Grants

IMPROVEMENT GRANT DISBURSEMENT BY TYPE



Improvement grants develop and sustain effective programs, encourage innovation, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY18, TIDC awarded 26 new or continuing grants, totaling \$8.1 million, of which \$6.7 million was disbursed. (Pending FY 2018 grant award obligations total \$1,043,191.) Improvement grant disbursements are detailed in the Expenditure Report in Appendix B.

Improvement Grants encourage innovation, sustain quality regional programs, promote compliance with the Fair Defense Act, and help counties facing extraordinary indigent defense challenges. Improvement grants include five grant types, detailed below.

Types of Improvement Grants

- *Competitive Improvement Grants* assist counties in implementing new programs or processes to improve the delivery of indigent defense services.
- *Technical Support Grants* assist counties with improving local indigent defense services through projects that build the knowledge base about indigent defense and establish processes that can be replicated by other jurisdictions.
- *Compliance Assistance Grants* assist counties that have a challenge related to compliance with the Fair Defense Act that may be identified through policy monitoring.
- *Extraordinary Disbursement Grants* reimburse a county for extraordinary indigent defense expenses causing a financial hardship.
- *Sustainability Grants* support regional public defender programs serving rural counties.

Improvement Grant Spotlight

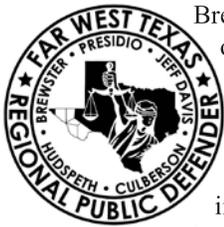
A Regional Solution to Public Defense Challenges in Far West Texas

Unique challenges in rural Texas

The five counties east of El Paso that comprise the 394th judicial district cover a large swath of Texas. Culberson, Hudspeth, Brewster, Presidio, and Jeff Davis Counties occupy 8% of the State's total land area, yet they are home to only 25,000 people. Among the few attorneys in the area, few were qualified and willing to handle criminal cases, especially for what the counties could pay. Tight budgets and high caseloads—driven, in part, by a Border Patrol checkpoint—made it difficult for these counties to meet constitutional and statutory duties.

TIDC worked with District Judge Roy Ferguson to craft a solution: The Far West Texas Regional Public Defender Office. A regional approach allows the counties to scale operations and support dedicated public defenders handling most felony and misdemeanor cases in the region. With the help of a TIDC grant, the program has emerged as a model for providing effective defense representation, while meeting the challenges of vast rural counties with tight budgets.

Since the Far West Texas PD's establishment, TIDC has helped add an investigator, as well as videoconferencing to cover the expansive service area, which includes jails as far as 133 miles away.



“Culberson County is thrilled to sponsor the grant,” said Judge Carlos Urias, Culberson County Judge. “This program will provide a huge leap forward in the administration of justice across the entire region.”

—Culberson County Judge Carlos Urias



(L-R): Roland Valles (Investigator), Laura Proske (Assistant Public Defender), James Gerard McDermott, II (Chief Public Defender), Paul Chambers (Felony Assistant Public Defender), Connie Santillan (Administrative Assistant).

TIDC FY18 Improvement Grant Awards		
Statewide/Regional Capital Defense Program		
Lubbock	Regional Public Defender for Capital Cases (183 counties)	\$3,000,000
Rural Regional Public Defenders		
Bee	Regional Public Defender (5 counties)	\$592,771
Culberson	Far West Texas Regional Public Defender (5 counties)	\$289,005
Starr	Regional Public Defender (3 counties)	\$479,205
Texas Tech University	Caprock Regional Public Defender Office (8 counties)	\$185,000
Public Defender Programs		
Fort Bend	Public Defender Office	\$331,728
Managed Assigned Counsel Programs (MAC)		
Travis	Capital Area Public Defender Service	\$180,440
Specialized Defender Programs		
Bexar	Representation of Mentally Ill Defendants at Magistration	\$116,254
Dallas	Criminal Law/Immigration Program (Padilla Compliance)	\$22,034
El Paso	Public Defender Mental Health Advocacy and Litigation Unit	\$840,273
Smith	Smith County Misdemeanor Mental Health Defender Program	\$68,800
Travis	Interdisciplinary Defense Program (Mental Health & Padilla Compliance)	\$177,230
Technical Support & Process Improvement Programs		
Atascosa	Atascosa/Wilson County TechShare Indigent Defense Software Implementation	\$7,250
Dallas	Dallas County TechShare Indigent Defense Software Implementation	\$146,975
El Paso County	Program Research Evaluation, Public Defender	\$70,000
Harris	Statewide Appellate Review and Support Resources for Texas Indigent Defendants Affected by Protocol Change for DNA Mixture Analysis	\$329,400
Harris	Statewide Indigent Defense Mentoring Program	\$585,125
Henderson	Henderson County TechShare Indigent Defense Software Implementation	\$10,750
Kaufman	Kaufman County TechShare Indigent Defense Software Implementation	\$11,275
Lubbock	Indigent Defense Attorney Mentoring Program	\$6,780
Lubbock	Program Research Evaluation, LPDO	\$45,000
Nueces	Pre-Trial Assessment Initiative	\$159,628
Taylor	Taylor County Videoconference Technology Program	\$50,000
Travis	Postconviction DNA Mixture Case Review	\$109,527
Extraordinary Grants		
Nueces	Extraordinary Capital Defense Expenses	\$180,115
Atascosa	Extraordinary Capital Defense Expenses	\$60,610
Total		\$8,055,174

C. Innocence Projects

TIDC funds innocence projects at six public law schools in Texas. Each program is eligible to receive up to \$100,000 annually:

- The University of Texas Law School
- Texas Tech University School of Law
- Thurgood Marshall School of Law at Texas Southern University
- University of Houston Law Center
- University of North Texas Dallas College of Law
- Texas A&M University School of Law in Fort Worth

In each project, law students work under attorney supervision to review actual innocence claims from Texas inmates. During FY18, the Court of Criminal Appeals granted habeas corpus relief to four innocence project clients:

Timmy Lynn Duke was cleared of a burglary charge in Dallas County after a joint investigation by the Innocence Project of Texas³ and the Dallas County District Attorney's Office located evidence proving Duke was in custody in Denton County on a different charge when the Dallas crime occurred. The Court of Criminal Appeals granted habeas corpus relief, overturning the conviction in June 2018, and Dallas County prosecutors dismissed the case.

Graylan Deshun Pope's conviction for failure to register as a sex offender was overturned after a joint investigation by the Innocence Project of Texas and the Dallas County District Attorney's Conviction Integrity Unit established that Pope was not required to register. The Court of Criminal Appeals granted habeas corpus relief in September 2018, and prosecutors dismissed the case.

Jesse Griffith was convicted in Lubbock of the theft of jewelry and his uncle's shotgun. Griffith pled guilty in exchange for two years of deferred adjudication. After numerous violations, his deferment was revoked, and he was incarcerated for one year. Years later, Griffith's uncle found the shotgun he previously said Griffith had stolen. The Lubbock County District Attorney supported the state habeas corpus petition filed by the Innocence Project of Texas, and the Court of Criminal Appeals vacated the conviction in October 2017.

Dennis Lee Allen served 15 years of a life sentence for a Dallas murder before exculpatory evidence was found in prosecutors' files, undermining jailhouse informant testimony and pointing toward other suspects. The Dallas County District Attorney supported the state habeas corpus petition, which the Court of Criminal Appeals granted in January 2018. Prosecutors have not dismissed the case as of December 2018.

3. The Innocence Project of Texas contracts with Texas Tech School of Law and Texas A&M School of Law to implement their innocence projects.

OVERSIGHT

TIDC oversees indigent defense across Texas. TIDC oversight takes 4 main forms:

- A. Indigent Defense Expenditure Reports (IDER)
- B. Indigent Defense Plans (ID Plans)
- C. Fiscal Monitoring
- D. Policy Monitoring

These 4 types of monitoring help cover the breadth and depth of indigent defense provision in Texas, as well as both fiscal and policy compliance:

TIDC Oversight		
	Fiscal	Policy
Breadth	Indigent Defense Expenditure Reports	Indigent Defense Plans
Depth	Fiscal Monitoring	Policy Monitoring

In addition, TIDC reviews complaints about indigent defense from lawyers, judges, defendants, inmates and their family members, and members of the public.

A. Indigent Defense Expenditure Reports

TIDC conducts desk reviews of all 254 counties, indigent defense expenditure reports (IDERS) each year following their submission by November 1. These IDERS provide Texans with some of the best indigent defense expenditure data in the nation. This data is used to help drive indigent defense policy, funding, and provision decisions throughout the State—and this data is available to the public at tidc.tamu.edu/public.net.

B. Indigent Defense Plans

The Fair Defense Act (FDA) requires criminal court judges and the juvenile board in each county to adopt and publish county-wide indigent defense plans (ID Plans) that meet the requirements of the FDA and related rules adopted by TIDC. Counties are required by Texas Government Code §79.036 to submit their indigent defense plans, forms, and procedures to TIDC by November 1 of each odd-numbered year. ID Plans will next be due November 1, 2019. ID Plans set forth how each county provides indigent defense. Like IDERS, ID Plans are available to the public at tidc.tamu.edu/public.net.

Adult Indigent Defense Plan Requirement Overview

	Conduct prompt and accurate magistration proceedings.
	Determine indigence according to standards directed by the indigent defense plan.
	Establish minimum attorney qualifications.
	Appoint counsel promptly.
	Institute a fair, neutral, and non-discriminatory attorney selection process.
	Publish fee and expense payment process.
	Publish affidavit of indigence, attorney fee schedule, and attorney fee voucher form.

Common Fiscal Monitoring Findings:

- General court expenditures, including competency evaluations, court reporter costs, and costs for a special prosecutor, improperly claimed as an indigent defense expenditure
- No written explanation for variance from requested payment amounts
- Attorneys were not paid in accordance with the county’s published fee schedule
- CLE hours were not maintained

C. Fiscal Monitoring

TIDC monitors county compliance with Texas statutes and administrative rules. The Uniform Grant Management Standards (UGMS) and grant rules set the monitoring criteria and priorities for counties. Counties are selected for a monitoring visit based on a combination of objective risk assessment scores and geographic distribution.

All Texans have an interest in ensuring that counties use precious state resources wisely and that county expenditure data is accurate. But TIDC strives to make monitoring constructive, not punitive. TIDC fiscal monitors often provide training and technical assistance to counties to help them accurately track and report indigent defense expenses.

Fiscal monitoring activities in FY18 were performed in the following counties:

FY18 Fiscal Monitoring		
On-Site Reviews	Desk Reviews	Follow-Up Visits
Webb	Texas Tech Caprock PD	El Paso
Bexar	Duval	
Hays	Lamb	
Smith	Young	Technical Assistance
Hockley		Lubbock LPDO
Cochran		
Kendall		

D. Policy Monitoring

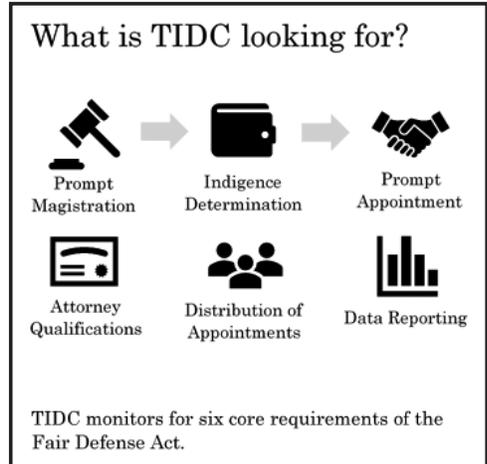
TIDC monitors policy compliance with the FDA. TIDC also provides technical assistance to help counties to improve their indigent defense processes and to meet FDA requirements.

A county is selected for on-site monitoring review based on a combination of objective risk assessment scores and geographic distribution. A monitoring review may also be conducted at the request of an elected state or local official, or triggered by a complaint from the public.

In FY18, TIDC staff conducted full scope reviews in three counties, limited scope reviews in three counties, follow-up reviews to prior visits in six counties, and informal drop-in reviews in two counties.



Joel Lieurance and Debra Stewart in Smith County for a joint fiscal-policy monitoring visit.



Common Policy Monitoring Findings Received:

- ▶ Requests for counsel are not ruled upon or not promptly transmitted to the appointing authority
- ▶ Appointing authority does not rule upon requests in a timely manner
- ▶ Defendants are not provided an opportunity to request counsel at Article 15.17 hearings
- ▶ Attorney appointments are not distributed in a fair, neutral, and non-discriminatory manner
- ▶ Defendants with mental health needs do not receive a mental health screening
- ▶ Defense attorneys are not communicating with their clients

FY18 Policy Monitoring		
Full-Scope Reviews (cover the six core requirements of the FDA)		
Hays	Kendall	Travis
Limited-Scope Reviews (cover specific FDA topics)		
Milam	Midland	
Follow-up Reviews (attempt to resolve issues identified in a previous monitoring review)		
Dallas	El Paso	Maverick
Smith	Willacy	Zavala
Drop-in Reviews (informal and involve an examination of records; items covered may vary, but misdemeanor appointment processes are often reviewed)		
Dimmit	Frio	

E. Complaint Process

In FY18, TIDC received 22 complaints related to local indigent defense practices, two of which led to limited-scope monitoring reviews. TIDC follows up on complaints pursuant to § 79.037, Government Code, to assist counties in improving their indigent defense systems and promote compliance and accountability with the FDA. In September 2018, TIDC implemented a new web-based intake process to help streamline its complaint process and improve the accuracy and efficiency of data collection.

IMPROVEMENT

TIDC works to improve public defense in the State of Texas. This work takes several forms:

- A. Publications
- B. Trainings + Presentations
- C. Technical Assistance
- D. Data
- E. Legislative Recommendations
- F. Awards + Events

A. Publications

TIDC released 3 major publications in FY18:



- *Primer on Managed Assigned Counsel Programs* (September 2017)

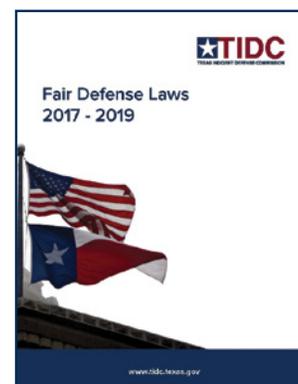
Describes the operations of managed assigned counsel (MAC) programs in Texas, the benefits of the MAC model, and how county officials can establish and operate a MAC. Available at: http://www.tidc.texas.gov/media/57815/tidc_primer2017.pdf

- *Managed Assigned Counsel Programs in Operation: A Supplement to the Primer on Managed Assigned Counsel Programs* (February 2018)

Describes the operations of managed assigned counsel (MAC) programs in Lubbock, Travis, and Collin Counties, as well as San Mateo, California, and Massachusetts. Describes how to build a MAC program plan, determine staffing levels, and establish a budget based on a county's specific jurisdictional needs and capacity. Available at: http://www.tidc.texas.gov/media/57919/tidc_primersup2017.pdf

- *Fair Defense Laws, 2017-2019* (February 2018)

Compilation of Texas statutes and administrative rules related to the Fair Defense Act and appointment of counsel in criminal cases, including commentary. Updated to include all legislation passed by the 85th Legislature (2017). The report is at: <http://www.tidc.texas.gov/media/57916/tidc-fairdefenselaws-fy17-19.pdf>.



B. Trainings and Presentations

In FY18, TIDC staff and members trained over 1,000 judges, county officials, pretrial services officers, and attorneys at 17 different events. A detailed list is included in Appendix A.

C. Technical Assistance

TIDC improves indigent defense practices in counties by providing technical assistance, including developing feasibility reports for public defender offices and managed assigned counsel programs, conducting site visits to observe indigent defense processes and procedures, and advising county officials on how to improve their system.



L-R: Attorney Jeff Blackburn; Potter Co. Commissioner Alphonso Vaughn; Wesley Shackelford; Scott Ehlers; Armstrong County Judge Hugh Reed.
TIDC provided technical assistance to Potter County.

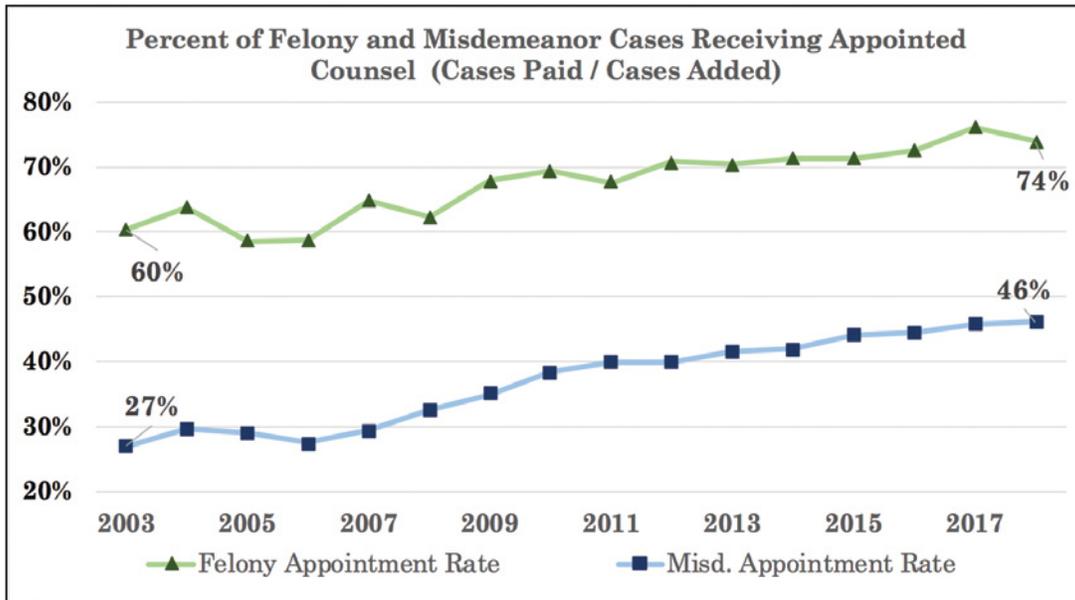
In FY18, TIDC staff conducted 12 technical assistance site visits to 8 different counties, including Dallas, El Paso, Travis, Harris, Kerr, Lubbock, Navarro, Potter, and Tarrant Counties.

D. Data

TIDC makes indigent defense data readily available to the public. TIDC has long posted the indigent defense on its website. In the past several years, TIDC has expanded its data collection and reporting efforts.

Attorney Appointment Rates

Below is a chart showing the approximate percentage of cases in which an attorney was appointed to represent an indigent defendant. The rates have risen steadily over the years.



Estimate of Pro Se Misdemeanor Cases Since 2011, when OCA began tracking the number of retained cases, the percentage of pro se misdemeanor cases has decreased.

Estimated Percentage of Pro Se Misdemeanor Dispositions				
	Statewide	Counties Under 50k Pop.	Counties Between 50k & 250k Pop.	Counties Over 250k Pop.
FY 11	33.2%	68.7%	56.9%	19.6%
FY 12	28.8%	66.3%	50.8%	15.2%
FY 13	27.5%	66.4%	48.4%	13.3%
FY14	25.4%	63.5%	46.6%	11.6%
FY15	23.8%	61.7%	42.5%	11.3%
FY16	24.1%	58.3%	39.4%	13.0%
FY17	21.3%	56.7%	41.7%	8.8%
FY18	22.2%	58.0%	39.7%	9.6%

Formula for calculation is Pro Se Dispositions = Total Dispositions – Total Retained Cases – Total Cases in Which Attorneys were Paid. Figures are based on data reported by court clerks and county auditors / treasurers.

Appointed Attorney Caseloads

The 83rd Legislative Session, directed TIDC to conduct and publish a study to determine guidelines for establishing a maximum allowable caseload for a criminal defense attorney. In 2015, TIDC published the Weighted Caseload Guidelines (WCG) in partnership with the Public Policy Research Institute at Texas A&M University. The Weighted Caseload Guidelines found the maximum number of cases an attorney could reasonably expect to proficiently handle within one year was: 128 felony cases, 226 misdemeanor cases, or 31.2 appeals.

As of January 11, 2019:

- A total of 5,833 attorneys were reported to have received payment for indigent defense services during FY18.

- The median indigent defense caseload was 28% of the WCG.
- This analysis excluded juvenile cases and did not factor retained or civil case work.
- 770 of these attorneys had caseloads in excess of the WCG.
- As to extreme caseloads:
 - ▶ Seven attorneys had caseloads **greater than 5 times** recommended by WCG.
 - ▶ 47 attorneys had caseloads **greater than 3 times** recommended by WCG.

In October 2015, the US Department of Justice (DOJ) awarded a \$400,000 grant to the Public Policy Research Institute at Texas A&M University (PPRI) in partnership with TIDC to build the “Smart Defense Data Portal,” an internet interface promoting high-quality, court-appointed defense systems statewide. In FY18, PPRI and TIDC made significant progress on the site:

- Website design, programming, and functionality is complete.
- Integration of data available from TIDC and OCA into the website is complete. Data from 2011 to 2017 is now searchable online.
- Additional county-specific data for Travis and Tarrant Counties has been collected and integrated into the website.



A prototype for ACT Smart for Public Defense is available at: <http://smartdefense.pprinet.tamu.edu/>.

E. Awards + Events

Gideon Day

On March 18, 1963, the Supreme Court decided *Gideon v. Wainwright*, establishing that the Sixth Amendment’s right to counsel in criminal cases extends to felony defendants in state courts. March 18th is now celebrated around the United States as Gideon Day or Public Defense Day.

TIDC celebrated Gideon Day on March 16th, 2018 (the 18th fell on a Sunday). Friends in the indigent defense community joined staff at TIDC offices for cake, a trivia game, t-shirts, and a video about the groundbreaking case.

Awards and Acknowledgements

On March 8, 2018, TIDC bestowed its highest honor, the Robert O. Dawson Award, upon Jim Bethke in recognition of his outstanding work to improve indigent defense in Texas. Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals and TIDC Chair, presented the award to Bethke during TIDC’s March meeting: “Jim has dedicated his career to protecting the constitutional right to counsel for all Texans, regardless of their ability to afford a lawyer.” Keller noted that Bethke’s “leadership has been recognized nationally and internationally, and Texas is at the forefront of indigent defense thanks largely to his hard work and commitment.”



Presiding Judge Keller presenting Jim Bethke with the Robert O. Dawson Award



TIDC Staff (Top, L-R): Geoff Burkhart, Edwin Colfax, Morgan Shell, Wesley Shackelford, Scott Ehlers. (Bottom row, L-R): Marissa Kubinski, Doriana Torres, Sharon Whitfield, Debra Stewart, Joel Lieurance, Hayden Hatch.

Bethke served as TIDC’s founding executive director from 2002 (when it was created as the Texas Task Force on Indigent Defense) until 2017. During Bethke’s tenure, TIDC substantially increased state funding to county-based indigent defense systems, partnered with counties to build innovative defense programs, and oversaw the development of a data system that has made Texas a leader in data-driven indigent defense provision.

APPENDIX A – TIDC TRAININGS

Indigent Defense Workshop-Catalyst for Change: Building Off What’s Working and Changing What’s Not, TIDC (Austin, Sept. 21 & 22, 2017)

- Over 100 people, including judges, county commissioners, court personnel, and public defenders, attended this two-day workshop at the Capitol.
- Panels covered such topics as: *Recap of the 85th Legislature; Litigation Around the Country; and Program Spotlight: Mental Health Defenders*. Rep. Andrew Murr presented on the 85th Legislature panel and Bill Leahy, Director of the New York State Office of Indigent Legal Services, spoke about the *Hurrell-Harring* litigation in New York State.
- Small workgroup sessions were organized so attendees could discuss challenges and develop 90-day action plans to improve their indigent defense systems.
- Agenda and conference materials available at:
<http://www.tidc.texas.gov/resources/trainings/2017-indigent-defense-workshop-presentations/>.



L-R: 1) Edwin Colfax moderating; Dr. William Kelly, Travis County MHPD Director Melissa Shearer, Bexar Chief Public Defender Michael Young. 2) Dr. Dottie Carmichael presenting on the ACT Smart for Public Defense Portal. 3) Wesley Shackelford, TIDC Board Member Rep. Andrew Murr, and County Judges and Commissioners Association General Counsel Jim Allison

Regional Training for Fiscal Monitoring, TIDC (Tyler County, October 26, 2017)—Debra Stewart

Regional Training-East Texas, TIDC (Jasper County, October 26, 2017)—Debra Stewart

2nd Annual Texas Roundtable on Representation of Defendants with Mental Illness, TIDC (Austin, Nov. 17, 2017)



- Over 60 people attended this training, including public defenders, social workers, representatives from Local Mental Health Authorities, and state agencies. Sponsored by TIDC.
- Panels covered such topics as: Legislative Update & New Mental Health Grant Opportunities; Competency Restoration: Challenges and Options; and Defense Counsel at Magistration: Benefits for Defendants with Mental Illness or Intellectual or Developmental Disabilities.
- The full agenda and supporting materials are available at:
<http://www.tidc.texas.gov/resources/trainings/2017-mh-roundtable/>.

Texas Association of County Auditors

Training Conference (Burnet, January 25, 2018)—Debra Stewart

Auditors on the Road, Burnet County (Canyon of the Eagles, January 25, 2018)—Debra Stewart

Brush Country Workshop on Effective Post-Arrest and Indigent Defense Practices, TIDC and Texas Justice Courts Training Center (Eagle Pass, February 20, 2018)—Joel Lieurance, Scott Ehlers

7th Annual Hon. Craig Washington and Hon. Rodney Ellis Excellence in Indigent Defense Series, Thurgood Marshall School of Law (Houston, March 9, 2018)—Wesley Shackelford

46th Annual County Treasurers Conference (San Marcos, April 17, 2018)—Debra Stewart



Brush Country Workshop on Effective Post-Arrest and Indigent Defense Practices attendees

2018 Annual Conference of the Texas Association of Pretrial Services (Galveston, April 19-20, 2018)—Wesley Shackelford
Tarrant County Criminal Defense Lawyers Association (Fort Worth, May 10, 2018)—Geoff Burkhart

Big Bend Regional Workshop on Effective Post-Arrest and Indigent Defense Practices, TIDC and the Texas Justice Courts Training Center (Marfa, May 18, 2018)—Joel Lieurance, Scott Ehlers, and Edwin Colfax

Challenges of Implementing the Fair Defense Act, Effective Post-Arrest and Indigent Defense Practices, Texas Association of Counties and TIDC (McAllen, July 13, 2018)—Scott Ehlers

Challenges for Magistrates: Appointing Counsel, Mental Health Assessments, and Personal Bonds, Texas Municipal Courts Association Annual Conference (San Antonio, August 3, 2018)—Scott Ehlers, Joel Lieurance

Challenges of Implementing the Fair Defense Act, Effective Post-Arrest and Indigent Defense Practices, Texas Association of Counties and TIDC (Longview, August 10, 2018)—Scott Ehlers



Randy Sarosdy of the Texas Justice Courts Training Center presenting at the Big Bend Regional Workshop on Effective Post-Arrest and Indigent Defense Practices

Challenges of Implementing the Fair Defense Act, Effective Post-Arrest and Indigent Defense Practices, Texas Association of Counties and TIDC (Abilene, August 22, 2018)—Joel Lieurance

Challenges of Implementing the Fair Defense Act, Effective Post-Arrest and Indigent Defense Practices, Texas Association of Counties and TIDC (Lubbock, August 23, 2018)—Joel Lieurance

The Indigent Defense Mandate: Where Do We Go From Here? 2018 Legislative Conference, Texas Association of Counties (Austin, August 30, 2018)—Geoff Burkhart, Scott Ehlers

APPENDIX B – IMPROVEMENT GRANT DISBURSEMENTS

TIDC invested \$1,829,810 in FY18 Competitive Improvement Grants (discretionary grants), which represents 6.1 percent of total grants disbursed. Competitive Discretionary Grants assist counties in implementing new programs or processes to improve the delivery of indigent defense services.

Table 1: FY18 Competitive Improvement Grant Investments

County	Program	Amount Disbursed	Pending FY18 Award Obligation
Atascosa	TechShare Indigent Defense Implementation (w/ Wilson Co.)	\$7,250	—
Bexar	Representation of Mentally Ill Defendants at Magistration	\$105,631	—
Culberson	Far West Texas Regional Public Defender Office (5 counties)	\$249,059	—
Dallas	Immigration/Criminal Law Program (<i>Padilla</i> Compliance)	\$22,034	—
Dallas	TechShare Indigent Defense Implementation	0	\$146,975
El Paso	Public Defender Mental Health Unit	\$714,587	—
Fort Bend	Public Defender Office	\$331,728	—
Henderson	TechShare Indigent Defense Implementation	\$10,093	—
Kaufman	TechShare Indigent Defense Implementation	\$11,275	—
Smith	Misdemeanor Mental Health Defender Program	\$22,714	—
Taylor	Videoconferencing for Indigent Defense	\$50,000	—
Travis	Holistic Defense Program	\$149,696	—
Travis	Capital Area Private Defender Service (MAC)	\$155,743	—
TOTAL		\$1,829,810	\$146,975

Sustainability Grants

TIDC invested \$4,251,591 in FY18 Sustainability Grants, which represents 14.2 percent of total grants disbursed. Sustainability Grants provide ongoing support for regional public defender programs serving small counties.

Table 2: FY18 Sustainability Grant Investments

County	Program	Amount Disbursed
Lubbock	Regional Public Defender for Capital Cases (181 Counties)	\$3,000,000
Bee	Regional Public Defender (5 counties)	\$592,771
Starr	Regional Public Defender (3 counties)	\$479,205
Texas Tech University	Caprock Regional Public Defender (9 counties)	\$179,615
TOTAL		\$4,251,591

Extraordinary Grants

TIDC invested \$240,725 in FY18 Extraordinary Grants, which represents .8 percent of total grants disbursed. Extraordinary Grants reimburse a county for extraordinary indigent defense expenses causing a financial hardship.

Table 3: FY18 Extraordinary Grant Investments

County	Program	Amount Disbursed
Atascosa	Extraordinary – Capital Defense	\$60,610
Nueces	Extraordinary – Capital Defense	\$180,115
TOTAL		\$240,725

Technical Support Grant Investments

TIDC invested \$400,707 for FY18 Technical Support Grants, which represents 1.3 percent of total grants disbursed. Technical Support Grants assist counties with improving local indigent defense services through projects that build the knowledge base about indigent defense and establish processes that can be replicated by other jurisdictions.

Table 4: FY18 Technical Support Grant Investments

County	Program	Amount Disbursed	Pending FY18 Award Obligation
El Paso	Indigent Defense System Evaluation	0	70,000
Harris	DNA Mixture Review Statewide Assistance Project (Year 3)	\$200,110	\$129,290
Harris	Statewide Indigent Defense Mentoring and Leadership Development Program	0	\$581,125
Lubbock	Private Defender Office Research and Evaluation	0	\$45,000
Lubbock	Attorney Mentoring Program	\$2,242	—
Nueces	Pretrial Assessment Initiative	\$106,971	\$52,658
Travis	Travis County DNA Mixture Review Project	\$91,384	\$18,143
TOTAL		\$400,707	\$896,216

Compliance Assistance Grant Investments

TIDC did not award Compliance Assistance Grants for FY18.

Discretionary Grant Investments for Prior Budget Year Award Obligations

TIDC also invested an additional \$291,018 in FY16 funds and \$144,871 in FY17 funds toward grant awards from previous budget years.

Table 6: Disbursements for Grant Award Obligations from Previous Budget Years

County	Grant Award Fiscal Year	Program	Amount Disbursed	Pending Award Obligation
Bell	FY16	Implementation of TechShare Enhancements	\$48,468	—
Collin	FY16	Indigent Defense Management Software Improvements (extension)	\$242,550	—
		TOTAL New FY16 Budget Year Disbursements	\$291,018	—
Harris	FY17	DNA Mixture Case Review	\$135,270	—
Kleberg	FY17	Indigent Defense Coordinator (Compliance Assistance)	\$9,601	—
		TOTAL New FY17 Budget Year Disbursements	\$144,871	—

Innocence Program

TIDC also administers legislatively directed funds to Texas public law schools to operate innocence projects. For the FY18-19 biennium, the Texas Legislature appropriated \$1,200,000, or \$200,000 per law school per biennium.

Table 7: Disbursements for Innocence Project Contracts

Texas Public Law School	FY18 Amount Disbursed	Pending Contract Obligation
Texas A&M University	\$89,500	\$110,500
Texas Southern University	0	\$200,000
Texas Tech University	\$64,232	\$135,768
The University of Houston	\$88,571	\$111,429
The University of North Texas - Dallas	\$8,070	\$191,930
The University of Texas	\$84,179	\$115,821
TOTAL	\$334,552	\$865,448

APPENDIX C – FY18 FORMULA GRANT DISBURSEMENTS BY COUNTY

County	FY18 Formula Grant Funds Disbursed
Anderson	\$49,623
Andrews	\$17,405
Angelina	\$55,902
Aransas	\$25,900
Archer	\$10,161
Armstrong	\$6,338
Atascosa	\$45,724
Austin	\$21,621
Bailey	\$11,872
Bandera	\$18,721
Bastrop	\$60,831
Baylor	\$7,224
Bee	\$28,292
Bell	\$253,919
Bexar	\$1,321,135
Blanco	\$11,706
Borden	\$1,600
Bosque	\$16,107
Bowie	\$90,436
Brazoria	\$229,325
Brazos	\$180,172
Brewster	\$10,630
Briscoe	\$4,662
Brooks	\$8,855
Brown	\$37,760
Burleson	\$26,316
Burnet	\$53,312
Caldwell	*3
Calhoun	\$19,807
Callahan	\$14,083
Cameron	\$277,396
Camp	\$14,509
Carson	\$10,981
Cass	\$27,641
Castro	\$9,337
Chambers	\$38,297
Cherokee	\$33,788
Childress	\$11,659
Clay	\$11,971
Cochran	\$7,252
Coke	\$7,166
Coleman	\$10,415

County	FY18 Formula Grant Funds Disbursed
Collin	\$669,757
Collingsworth	\$6,877
Colorado	\$21,516
Comal	\$87,873
Comanche	\$13,171
Concho	\$8,007
Cooke	\$36,529
Coryell	\$55,191
Cottle	\$6,707
Crane	\$8,193
Crockett	\$9,576
Crosby	\$8,353
Culberson	\$6,461
Dallam	\$10,071
Dallas	\$2,463,672
Dawson	\$13,945
Deaf Smith	\$21,024
Delta	\$8,175
Denton	\$498,097
DeWitt	\$20,404
Dickens	\$6,120
Dimmit	\$13,079
Donley	\$7,203
Duval	\$14,379
Eastland	\$21,413
Ector	\$128,104
Edwards	\$6,107
Ellis	\$139,113
El Paso	\$872,248
Erath	\$28,092
Falls	\$22,079
Fannin	\$33,925
Fayette	\$21,855
Fisher	\$7,551
Floyd	\$8,634
Foard	\$6,050
Fort Bend	\$594,261
Franklin	\$14,672
Freestone	\$22,320
Frio	\$15,270
Gaines	\$17,144
Galveston	\$220,905

County	FY18 Formula Grant Funds Disbursed
Garza	\$8,778
Gillespie	\$22,587
Glasscock	\$5,750
Goliad	\$10,204
Gonzales	\$20,547
Gray	\$25,628
Grayson	\$94,094
Gregg	\$103,302
Grimes	\$25,895
Guadalupe	\$93,651
Hale	\$28,666
Hall	\$7,851
Hamilton	\$11,210
Hansford	\$8,169
Hardeman	\$8,191
Hardin	\$41,939
Harris	\$3,981,449
Harrison	\$63,015
Hartley	\$10,526
Haskell	\$10,627
Hays	\$121,694
Hemphill	\$8,083
Henderson	\$72,923
Hidalgo	\$672,476
Hill	\$32,088
Hockley	\$21,160
Hood	\$43,952
Hopkins	\$27,386
Houston	\$24,159
Howard	\$28,803
Hudspeth	\$7,623
Hunt	\$94,981
Hutchinson	\$20,631
Irion	\$5,986
Jack	\$10,555
Jackson	\$18,788
Jasper	\$29,952
Jeff Davis	\$6,161
Jefferson	\$192,421
Jim Hogg	\$8,293
Jim Wells	\$27,995
Johnson	\$107,066

3. Not eligible in 2018 due to decline in indigent defense expenditure level below 2001 baseline.

County	FY18 Formula Grant Funds Disbursed
Jones	\$18,239
Karnes	\$18,407
Kaufman	\$94,046
Kendall	\$27,484
Kenedy	\$6,137
Kent	\$2,673
Kerr	\$52,216
Kimble	\$9,991
King	\$1,000
Kinney	\$7,139
Kleberg	\$30,012
Knox	\$7,371
Lamar	\$41,657
Lamb	\$14,461
Lampasas	\$17,896
La Salle	\$12,426
Lavaca	\$16,961
Lee	\$19,731
Leon	\$17,078
Liberty	\$64,241
Limestone	\$22,120
Lipscomb	\$7,190
Live Oak	\$14,060
Llano	\$17,922
Loving	\$5,296
Lubbock	\$296,816
Lynn	\$7,897
McCulloch	\$12,366
McLennan	\$245,703
McMullen	\$5,688
Madison	\$17,721
Marion	\$12,743
Martin	\$7,820
Mason	\$8,033
Matagorda	\$25,245
Maverick	\$28,743
Medina	\$35,083
Menard	\$6,481
Midland	\$145,670
Milam	\$21,788
Mills	\$9,172
Mitchell	\$11,495
Montague	\$18,649
Montgomery	\$487,506
Moore	\$26,973
Morris	\$13,953

County	FY18 Formula Grant Funds Disbursed
Motley	\$1,200
Nacogdoches	\$43,238
Navarro	\$50,025
Newton	\$18,720
Nolan	\$18,387
Nueces	\$280,378
Ochiltree	\$14,798
Oldham	\$7,387
Orange	\$36,682
Palo Pinto	\$23,730
Panola	\$24,888
Parker	\$104,675
Parmer	\$10,427
Pecos	\$16,729
Polk	\$53,138
Potter	\$123,744
Presidio	\$8,305
Rains	\$10,569
Randall	\$100,101
Reagan	\$9,315
Real	\$7,084
Red River	\$14,579
Reeves	\$15,651
Refugio	\$10,455
Roberts	\$1,000
Robertson	\$19,222
Rockwall	\$69,293
Runnels	\$12,663
Rusk	\$32,665
Sabine	\$12,351
San Augustine	\$9,498
San Jacinto	\$22,136
San Patricio	\$52,468
San Saba	\$8,715
Schleicher	\$7,021
Scurry	\$14,765
Shackelford	\$8,167
Shelby	\$21,483
Sherman	\$7,452
Smith	\$154,544
Somervell	\$10,691
Starr	\$39,712
Stephens	\$13,021
Sterling	\$6,113
Stonewall	\$3,280
Sutton	\$9,103

County	FY18 Formula Grant Funds Disbursed
Swisher	\$9,384
Tarrant	\$1,599,681
Taylor	\$123,287
Terrell	\$5,781
Terry	\$15,303
Throckmorton	\$4,981
Titus	\$24,992
Tom Green	\$133,207
Travis	\$978,684
Trinity	\$13,819
Tyler	\$18,907
Upshur	\$30,463
Upton	\$20,026
Uvalde	\$22,769
Val Verde	\$37,954
Van Zandt	\$49,710
Victoria	\$79,611
Walker	\$67,179
Waller	\$48,890
Ward	\$15,993
Washington	\$35,685
Webb	\$257,559
Wharton	\$29,626
Wheeler	\$10,862
Wichita	\$153,214
Wilbarger	\$13,953
Willacy	\$28,018
Williamson	\$320,590
Wilson	\$35,981
Winkler	\$9,866
Wise	\$50,466
Wood	\$31,576
Yoakum	\$10,474
Young	\$20,363
Zapata	\$10,167
Zavala	\$10,884

APPENDIX D – OPERATING BUDGET

This fiscal year, TIDC expended \$31,566,000. Of these funds, \$1,136,558 were for administrative costs—only 3.6 percent of the total amount. These expenses include salaries, operating expenses for 11 full-time staff, and travel for board members and staff as shown in the chart below.

Budget Category	FY18 Expended	FY 2017 Expended
Salaries & Wages	\$869,775	\$847,642
Other Personnel Costs	\$25,468	\$47,489
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$50,953	\$226
Consumables	\$1,559	\$1,635
Utilities	\$1,757	\$2,279
Travel	\$42,189	\$35,342
Rent-Building	\$996	\$320
Rent-Machine and Other	\$2,619	\$1,673
Other Operating Expenses *	\$191,223	\$221,726
Innocence Project	\$334,574	\$519,671
Grants	\$30,042,833	\$38,321,999
Total Expended	\$31,566,000	\$40,002,056
Method of Finance Category	FY18 Method of Finance	FY 2017 Method of Finance
Fund 5073, Fair Defense Account, Court Costs	\$34,864,319	\$23,840,536
Surety Bond Fee	\$1,959,345	\$2,103,340
State Bar Fee	\$2,434,770	\$2,402,594
Juror Pay Fee	\$6,634,193	\$6,127,585
Total Fund 5073, Fair Defense Account	\$45,892,627	\$34,474,055
Fund 0001, General Revenue	\$3,749,929	\$4,523,064
State Grant	\$0	\$0
Total Revenue	\$49,642,556	\$38,997,119
FY 2016 Carryforward		\$2,985,906
FY 2017 Carryforward	\$116,711	
FY18 Appropriated Carryforward	(\$33,397)	
FY18 Grant Obligations	(\$1,043,191)	
Revenue above Appropriation Cap	(\$15,266,038)	
Office of Capital and Forensic Writs **	(\$1,629,271)	(\$1,980,969)
TIDC Benefits	(\$221,370)	(\$228,251)
Total Method of Finance	\$31,566,000	\$40,002,056

* PPRI - Grants & Reporting Maintenance System and Special Projects expenses in the amount of \$147,418 are captured under this budget category.

** Fund 5073 is also the method of finance for the Office of Capital and Forensic Writs (OCFW).

APPENDIX E – METHOD OF FINANCE

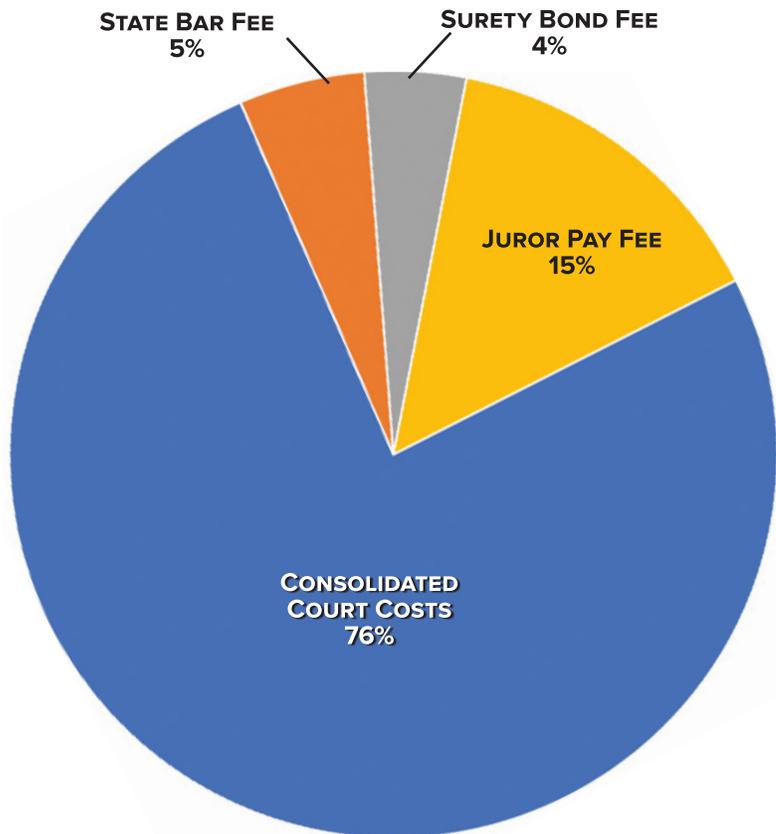
TIDC is funded primarily from the GR-Dedicated Fair Defense Account (Fund 5073). In addition, the Legislature has appropriated \$3.75 million in General Revenue to TIDC since FY 2016.

Except for two biennia (2012-2013 and 2018-2019), TIDC has had estimated appropriation authority for the balance of the Fair Defense Account, less amounts appropriated to the Office of Capital and Forensic Writs (OCFW). In the FY18-2019 biennium, the Legislature capped TIDC’s appropriation below projected collections in the Fair Defense Account. As a result, the account is expected to have an **unappropriated balance of approximately \$27 million** at the end of FY 2019.

Funds accrue to the Fair Defense Account from the following sources:

- Consolidated Court Costs: Defendants pay Consolidated Court Costs upon conviction for a range of offenses from fine-only misdemeanors to felonies.
- Juror Pay Court Costs: Defendants pay a \$4 court cost to fund juror pay upon conviction in most offenses. After reimbursing counties for juror pay, remaining funds in excess of \$10 million are transferred to the Fair Defense Account at year’s end.
- State Bar Fees: The State Bar of Texas assesses a \$65 fee as part of each attorney’s annual bar dues. Half of the proceeds are allocated to the Fair Defense Account.
- Surety Bond Fees: Defendants pay a \$15 fee when posting a surety bond. One-third of the fee goes to the Fair Defense Account.

FAIR DEFENSE ACCOUNT SOURCES





TEXAS INDIGENT DEFENSE COMMISSION

www.tidc.texas.gov