

# Challenges of Properly Appointing Counsel for Indigent Defendants

**Starr County Courthouse  
Rio Grande City, TX**

**January 30, 2020**

**Texas Indigent Defense Commission  
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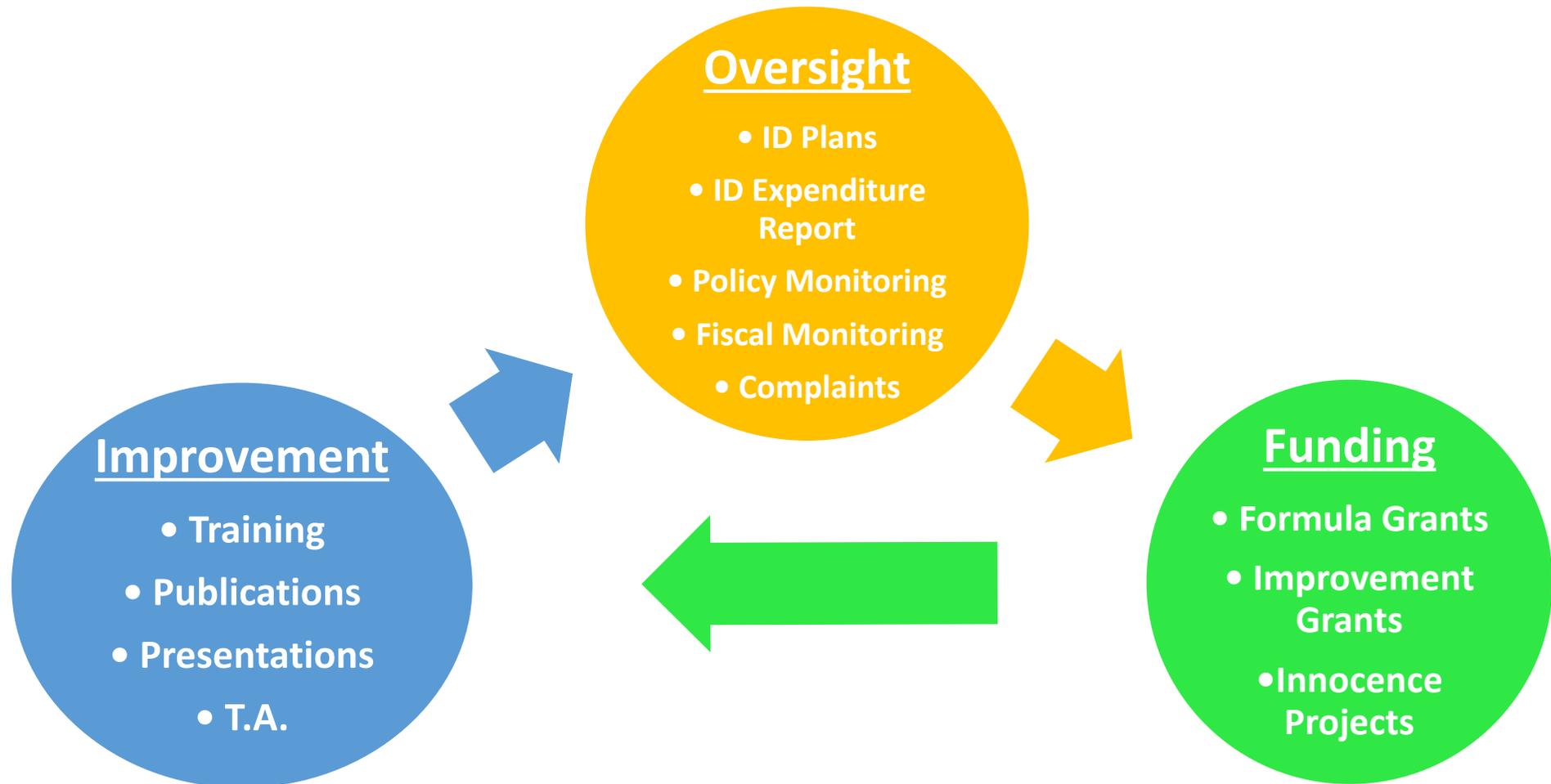
# ROADMAP

- What TIDC Does
- Fair Defense Act Background+Impact
- Common Mistakes & Important Deadlines
- Out-of County Requests
- Indigence Determinations
- Waivers of Counsel
- Appointment of Counsel
- State Reporting
- Indigent Defense Improvement Grants



Source: <https://www.worthpoint.com/worthopedia/rio-grande-city-texas-street-road-map-53252107>

# WHAT TIDC DOES





# **FAIR DEFENSE ACT**

## **BACKGROUND + IMPACT**

# HOW WE GOT HERE

- 1791 – Bill of Rights + 6<sup>th</sup> Amendment
- 1963 – *Gideon v. Wainwright*
- 1999 – Study of TX Indigent Defense
- 2001 – Fair Defense Act and Task Force
- 2011 – Texas Indigent Defense Commission

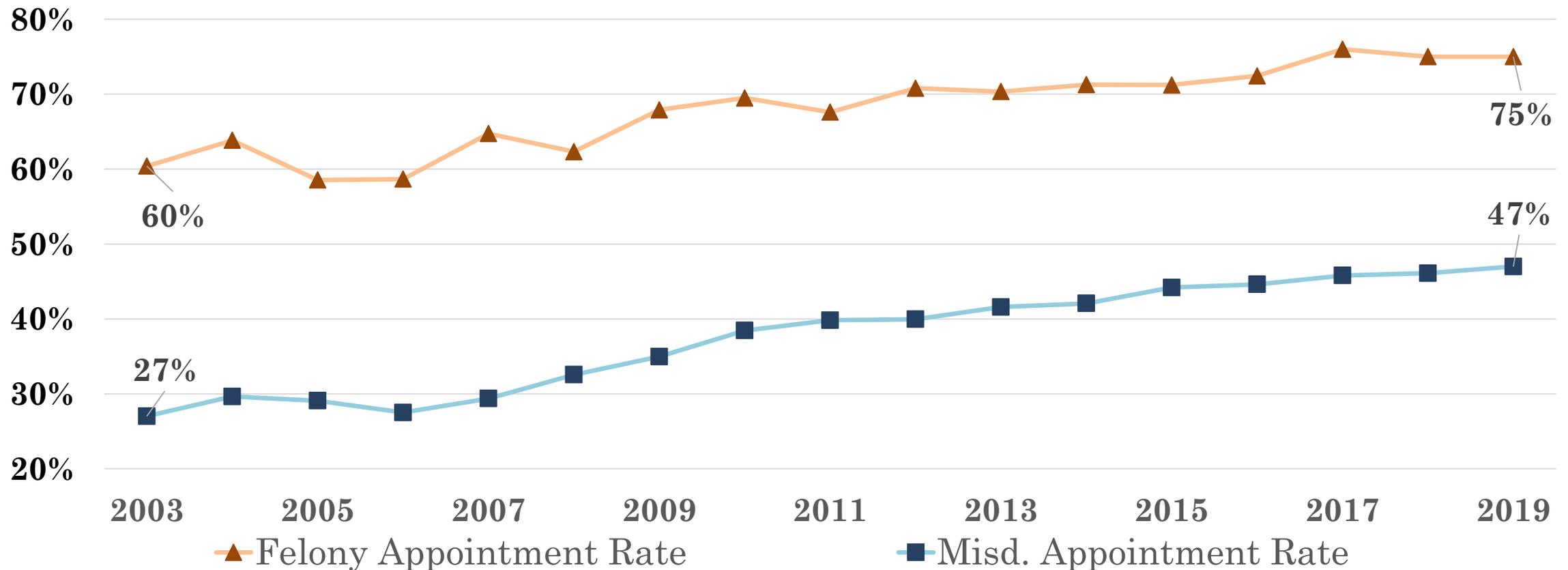
# THE FAIR DEFENSE ACT OF 2001

## Core Requirements:

- Prompt and accurate magistration hearings
- Develop a standard of indigence and process to determine eligibility
- Minimum attorney qualifications
- Timely appointment of counsel
- Fair, neutral, and non-discriminatory attorney selection process
- Standard attorney fee schedule and payment process
- State reporting

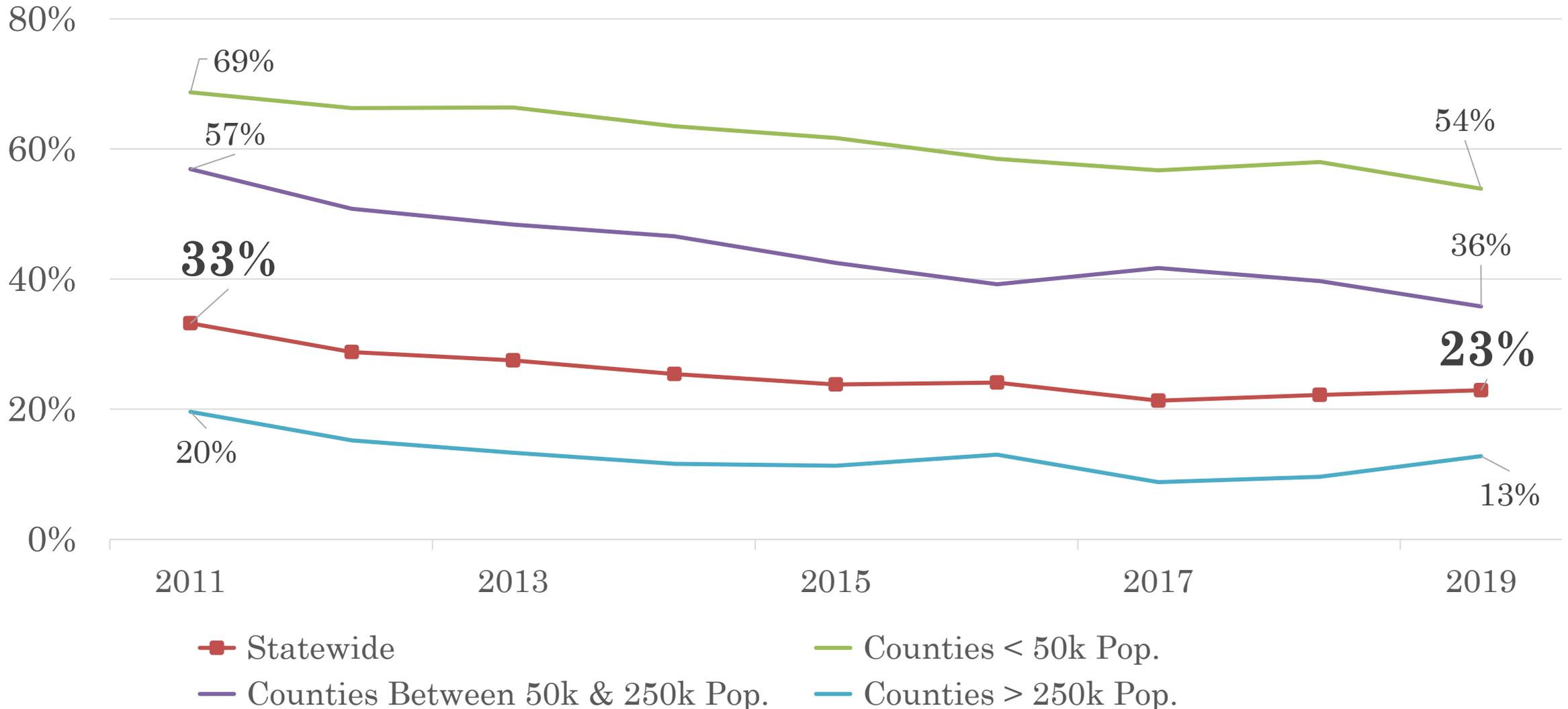
# Since Passage of the FDA, Appointment Rates Have Increased

Percent of Felony and Misdemeanor Cases Receiving Appointed Counsel  
(Cases Paid / Cases Added)



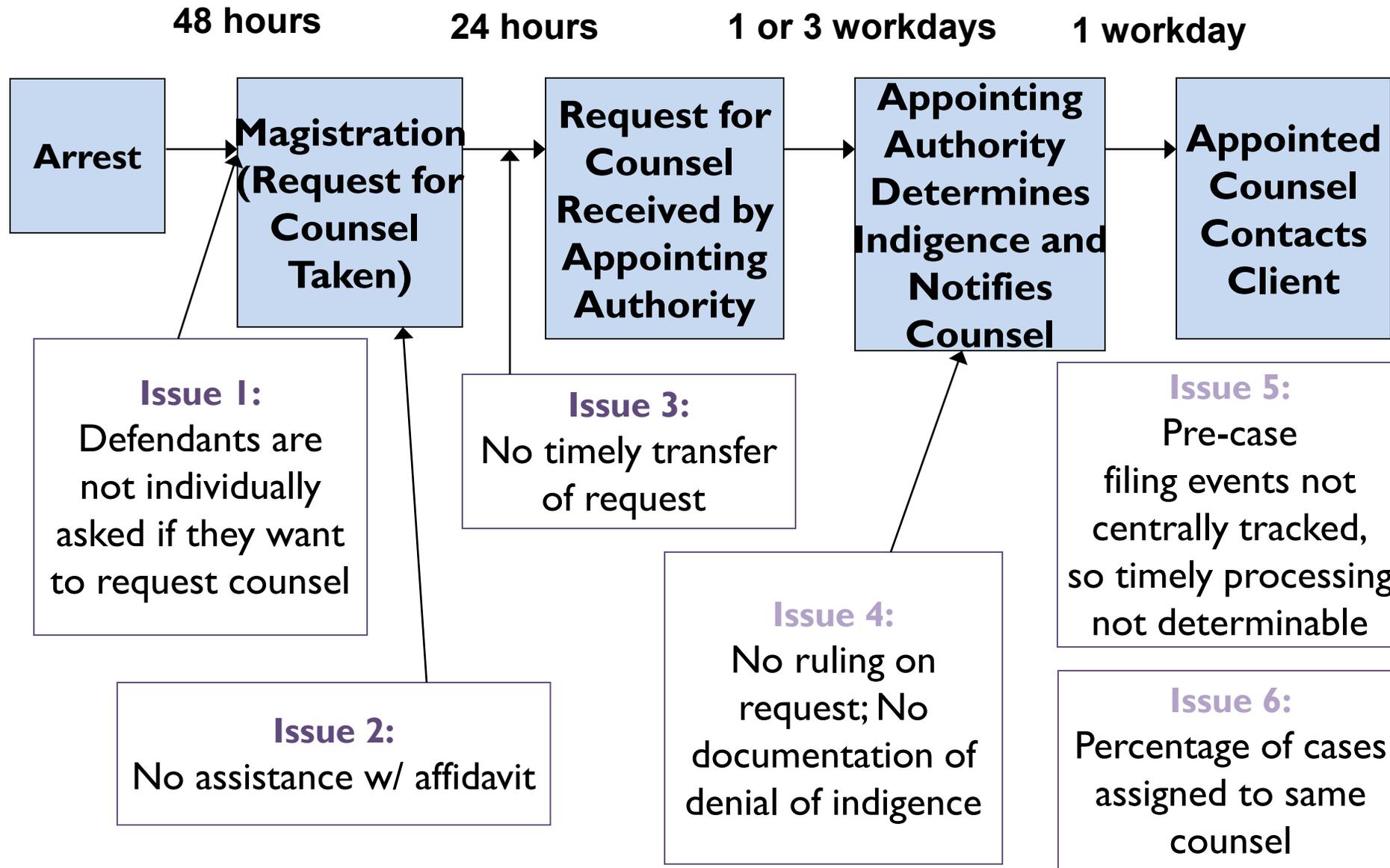
# Estimate of Pro Se Misdemeanor Cases

% Pro Se Class A & B Misdemeanor Cases





# **COMMON MISTAKES AND IMPORTANT DEADLINES**



# PROMPT AND ACCURATE MAGISTRATION PROCEEDINGS

## Texas Code Crim. Proc. Article 15.17

- Hearing within 48 hours of arrest
- Must inform arrestee of right to appointed counsel
- Record of informing arrestee of right to counsel and whether arrestee requested counsel must be made
- Magistrate must ensure reasonable assistance
- Must transmit forms to appointing authority within 24 hours of request (unless authorized to appoint counsel)

No. \_\_\_\_\_ SPN: \_\_\_\_\_  
THE STATE OF TEXAS Date/Time Of Arrest: \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

**MAGISTRATE WARNING**

Before me, the undersigned, magistrate of the State of Texas on this day personally appeared \_\_\_\_\_, who was given the following warning:

- You are charged with the offense of \_\_\_\_\_, a felony a misdemeanor.
- You have a right to hire an attorney to represent you.
- You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- You have the right to remain silent.
- You are not required to make a statement, and any statement you make can and may be used against you in court.
- You have the right to stop any interview or questioning at any time.
- You have the right to have an examining trial (felonies only).
- You have the right to request appointment of counsel if you cannot afford counsel.

Would you like to request the appointment of counsel?  Yes  No

I explained the local procedures for requesting appointment of counsel in a manner the accused could understand. I provided reasonable assistance in completing necessary paperwork for the appointment of counsel and forwarded the paperwork to the appropriate authority within 24 hours.

**Consular Notification**

**You have the right to speak with your lawyer before answering any questions.**

If you are not a United States citizen, you may be entitled to have us notify your country's consular representative here in the United States.

Do you want us to notify your country's consular officials?  Yes  No

What Country? \_\_\_\_\_

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

Mandatory Notification Clerk, notify: \_\_\_\_\_

The State Department's list of foreign consulates can be found at: <http://www.state.gov/s/cpr/r/rls/fco/>

- 1. Accused was arrested as a result of a warrant. County: \_\_\_\_\_  
Proceed to bail section below.
- 2. Accused was arrested without a warrant.  
Does the Court find probable cause exists for further detention?  Yes  No  
If NO, accused shall be immediately released. If YES, proceed to bail section below.

Bail is set at \$ \_\_\_\_\_ Bond:  Personal  Cash/Surety

Bond Conditions \_\_\_\_\_

Time: \_\_\_\_\_ Date: \_\_\_\_\_ Magistrate: \_\_\_\_\_

I acknowledge that I was given the above warning and that I understand my rights as explained to me.

Person Warned: \_\_\_\_\_ Hearing Interpreted by: \_\_\_\_\_

# MODEL MAGISTRATION FORM

## INCLUDES RIGHT TO COUNSEL WARNING

## INCLUDES REQUEST FOR APPOINTED COUNSEL

\_\_\_\_\_ COUNTY Cause No. \_\_\_\_\_

**AFFIDAVIT OF INDIGENCE**

<i>THIS PORTION TO BE COMPLETED BY OFFICE PERSONNEL ONLY</i>			
The State of Texas		_____ County Court	
vs.		_____ District Court	
Offense:	Felony/Misd:	Interpreter required? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Offense:	Felony/Misd:	If yes, language required:	
Offense:	Felony/Misd:		
Defendant Currently In: <input type="checkbox"/> Correctional Facility <input type="checkbox"/> Mental Health Facility			
<i>THIS PORTION TO BE COMPLETED BY OR WITH DEFENDANT</i>			
Name _____		Date of Birth _____/_____/_____	
First Name	MI	Last Name	
Address _____			
Street	Apt No.	City	State Zip Code
Phone Numbers _____			
Home	Cell	Work	Family Member
I receive: <input type="checkbox"/> Medicaid <input type="checkbox"/> SSI <input type="checkbox"/> SNAP <input type="checkbox"/> TANF <input type="checkbox"/> Public Housing			
Are you Employed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, where? _____ Type of Work _____			
Number of Hours per Week: _____		How long have you worked at this job? _____	
Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Separated			
Name of Spouse _____			
First	MI	Last	
Name of Dependent Child(ren) (0-18 yrs.)	Age	Name of Dependent Child(ren) (0-18 yrs.)	Age
RESIDENCE INFORMATION			
Rent: yes or no	Own: yes or no	Reside with family: yes or no	Homeless: yes or no
MONTHLY INCOME AND ASSETS		MONTHLY EXPENSES	
My take home pay	\$	Rent/Mortgage	\$
Spouse's take home pay	\$	Utilities (Elec., Gas, Water)	\$
Child Support (Received)	\$	Total Child Expenses (Including Child Support Paid)	\$
SNAP (Food Stamps)	\$	Total Food Expenses	\$
Social Security/Disability	\$	Transportation Costs	\$
Other Government Check	\$	Cell/home phone	\$
Other Income	\$	Probation fees	\$
Assets (car, house, etc.)	\$	Medical Expenses / Health Insurance	\$
TOTAL MONTHLY INCOME AND ASSETS	\$	Minimum Monthly Credit Card Payment	\$
		TOTAL MONTHLY EXPENSES	\$

# MODEL AFFIDAVIT OF INDIGENCE FORM

INCLUDES INCOME, ASSETS, EXPENSES, BENEFITS

INCLUDES OATH

INCLUDES DETERMINATION & APPOINTMENT

MAGISTRATE MUST ENSURE FORM IS COMPLETED AND SENT TO APPOINTING AUTHORITY

# Timely Transmittal of Requests for Counsel

- This is one of the biggest problems TIDC still sees in policy monitoring visits!
- **How long does the magistrate have to transmit the forms requesting appointment of counsel?**
  - 24 hours (see CCP art. 15.17(a))
- **What is your process for transmitting forms to the appointing authority?**

# Timely Appointment of Counsel or Denial of Indigence

## #1 PROBLEM IDENTIFIED IN TIDC POLICY MONITORING VISITS

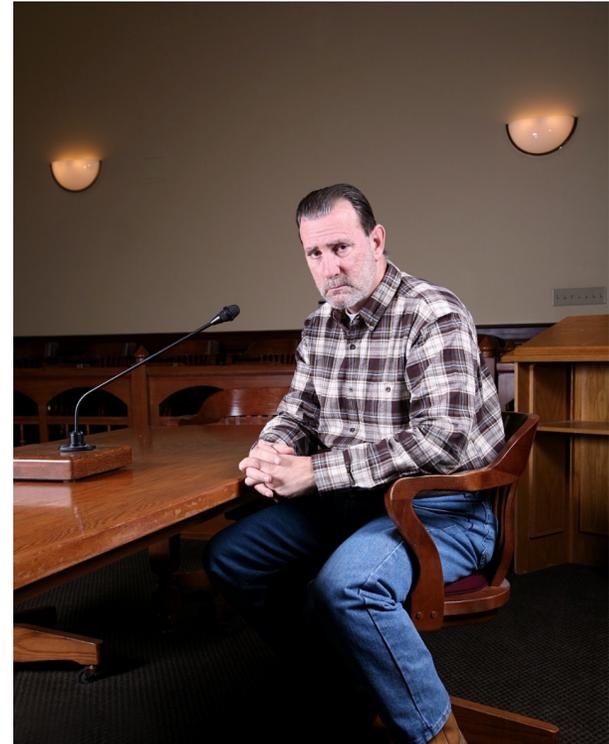
### Texas Code Crim. Proc. Article 1.05 I

- Must appoint counsel /deny indigence within 3 working days of request for counsel (counties under 250,000 population)
- If defendant released before appointed counsel, then appointment not required until first court appearance “or when adversarial judicial proceedings are initiated, whichever comes first.” CCP 1.05 I (j)

# Magistration = Initiation of Adversarial Judicial Proceedings

## Rothgery v. Gillespie County, 554 US 191 (2008).

A criminal defendant's initial appearance before a magistrate judge, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.



Gillespie Co. refused to appoint Walter Rothgery an attorney until after indictment. He sued the county for violating his 6<sup>th</sup> Amendment right to counsel.

# How Does TIDC Measure “Prompt Appointment of Counsel?”

“A county is presumed to be in substantial compliance with prompt appointment of counsel if, in each level of proceedings (felony, misdemeanor, and juvenile cases), at least 90% of indigence determinations in the policy monitor’s sample are timely.”

1 Tex. Admin. Code §174.28(c)(4)(B)





# **OUT-OF-COUNTY REQUESTS FOR COUNSEL**

# Out-of-County Requests for Counsel

- If a person is arrested in your county for another county's warrant,
  - The person must be asked if he/she would like to request counsel.
  - Requests for counsel must be sent to the county issuing the warrant.
  - Where is the contact list to send these requests?

<http://tidc.tamu.edu/public.net/Reports/OutOfCountyArrestContacts.aspx>

Art. 15.18(a-1): If the person requests the appointment of counsel, the magistrate shall, without unnecessary delay but not later than 24 hours after the person requested the appointment of counsel, transmit, or cause to be transmitted, the necessary request forms to a court or the courts' designee authorized under Article 26.04 to appoint counsel in the county issuing the warrant.

# Out-of-County Appointments of Counsel

## Tex. Code Crim. Proc. art. 1.051(c-1)

- **If a person is arrested in another county for your county's warrant:**
  - The appointing authority in your county must rule upon the request within the same 3 working day timeframe as in-county requests
- **If a person is in your jail on another county's warrant, your county's appointing authority must appoint counsel:**
  - Within 11 days after arrest if the person has not been transferred to the other county; and
  - If counsel has not been appointed by the county issuing the warrant.
  - Appointment limited to Article 11 or 17 matters (writs or bail bond issues).
  - Arresting county may seek reimbursement from the warrant issuing county.

# PROCESS QUESTIONS

- As a magistrate, what should you do if a person is brought before you on a Dallas County felony warrant?
  - Perform the magistrate warnings in the same manner as if the person were arrested on a warrant from your county
- What should you do if this person requests counsel?
  - Send the request and affidavit of indigency to Dallas County



# **INDIGENCE DETERMINATIONS**

# **“INDIGENT” DEFINED**

**Texas Code Crim. Proc. Article 1.051(b)**

**“... a person who is not financially able to employ counsel.”**

# STANDARD OF INDIGENCE

## Texas Code Crim. Proc. Article 26.04(l)-(m) (Adults)

- Indigent Defense Plan must include procedures, financial standards for determining indigence.
- Standard must apply equally to jailed or bailed defendants.
- Court may consider income, assets, property owned, spousal income, necessary expenses, and number/ages of dependents.
- Court can't consider bail or ability to post bail, "except to the extent that it measures the defendant's financial circumstances."

# NEW LAW!

## Texas Code Crim. Proc. Article 1.053- Present Ability to Pay

Except as otherwise specifically provided, in determining a defendant's ability to pay for any purpose, the court shall consider only the defendant's **present ability to pay**.

# ADDITIONAL REQUIREMENTS FOR INDIGENCE DETERMINATION

## Texas Code Crim. Proc. Article 26.04(m)-(o) (Adults)

- Defendant must complete under oath questionnaire regarding financial resources and/or respond to examination by judge or magistrate
- Defendant must sign sworn statement substantially similar to statement at CCP art. 26.04(o)
- Court may not consider bail or ability to post bail, “except to the extent that it measures the defendant’s financial circumstances”.

\_\_\_\_\_ COUNTY Cause No. \_\_\_\_\_

### Defendant's Oath

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I have been advised of my right to representation by counsel in connection with the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me.

\_\_\_\_\_  
Defendant's Signature Date

ONLY ONE SECTION BELOW TO BE COMPLETED.

### Administered Oath

(Clerk/Notary ONLY)

SUBSCRIBED and SWORN to before me, the undersigned authority, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk/Notary Public Signature Date

### Unsworn Declaration by Defendant

(Defendant ONLY)

My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_.  
(First Name) (Middle Name) (Last Name)

My address is \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(Street Number and Name) (City) (State) (Zip Code) (Country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(Month) (Year)

### Defendant Currently Meets Eligibility Requirements?

YES  NO

Date \_\_\_\_\_

# MODEL AFFIDAVIT OF INDIGENCY FORM

PAGE 2

INCLUDES DEFENDANT'S OATH

INCLUDES OPTION OF USING NOTARY OR UNSWORN DECLARATION

INCLUDES ELIGIBILITY DETERMINATION

# Local Standards Of Indigence

- Income Less than 150% of FPG: Brooks, Jim Wells, Zapata
- Income Less than 125% of FPG: Duval, Hidalgo, Jim Hogg, and Starr

Household Size	100%	125%	150%
1	\$12,490	\$15,613	\$18,735
2	\$16,910	\$21,138	\$25,365
3	\$21,330	\$26,663	\$31,995
4	\$25,750	\$32,188	\$38,625
5	\$30,170	\$37,713	\$45,255

# Local Standards Of Indigence – Other Provisions

- Eligible for federal benefits (food stamps, SSI, public housing):
- Difference between accused's net income and reasonable necessary expenses is less than \_\_\_\_\_
- Asset test (value of liquid assets greater than \_\_\_\_\_)
- Serving sentence in a correctional institution or in a mental health facility
- Substantial hardship
- Appointment in the interest of justice

# PROCESS QUESTIONS

- Where is your local standard of indigence listed?  
Your county's Indigent Defense Plan. Found here:  
<http://tidc.tamu.edu/public.net/Reports/IDPlanNarrative.aspx>
- What should appointing judge do if a defendant lists no income, assets, or expenses on the affidavit of indigence?  
Ask for additional info or deny the request if you believe the information is inadequate to make an indigency determination.
- What should you do if last year a defendant made a little more income than is set by your local standard of indigence but has remained in jail for 2 weeks?  
May need to appoint per Indigent Defense Plan; get more info to determine if now unemployed.



# **WAIVERS OF COUNSEL**

# WAIVERS OF COUNSEL – 2 PARTS

- Unrepresented defendants speaking with the prosecutor: Art. 1.051(f-1),(f-2)
  - Prosecutor may not initiate waiver
  - **All requests for counsel must first be denied before prosecutor communicates with defendant**
  - Procedures for requesting counsel must be explained by the court
  - Waivers obtained in violation of the above provisions are presumed invalid
- Unrepresented defendants entering a plea: Art. 1.051(g)
  - Court must determine waiver is voluntarily and intelligently made
  - Defendant must sign waiver that substantially conforms to Art. 1.051(g)

# TIDC Model Form to Explain Rights to Unrepresented Defendants

IN THE [INSERT COURT] [INSERT COUNTY] COUNTY, TEXAS	
JUDGE'S EXPLANATION OF RIGHTS TO DEFENDANTS WITHOUT ATTORNEY	
<p>As a defendant in a criminal case, you have three options:</p> <ol style="list-style-type: none"><li>1. You may hire an attorney;</li><li>2. If you do not have enough money to hire an attorney, you may request an attorney be appointed to represent you;</li><li>3. You may represent yourself.</li></ol> <p>If you want an attorney to represent you and have enough money to hire an attorney, the case will be reset to give you time to do so.</p> <p>If you want an attorney and do not have the money to hire one, you will need to fill out a financial questionnaire so that the proper person can determine whether or not to appoint an attorney to represent you.</p> <p>You may not speak to the prosecutor about your case unless you sign a written waiver of your right to be represented by an attorney.</p> <p style="padding-left: 40px;">Be aware that there are dangers to self-representation. Waiving your right to an attorney and representing yourself may result in a worse outcome for you and your case, including the loss of significant legal rights and opportunities relating to military service, possession of a firearm, housing and public benefits, child custody, immigration status for non-citizens, and employment.</p> <p>If you choose to proceed without an attorney, you may change your mind at any time and may request counsel from the Court.</p> <p style="text-align: right;">_____ Judge Presiding</p>	
<b>DEFENDANT'S CHOICE</b> [mark initials next to only <b>ONE</b> choice]	
<input type="checkbox"/> I want to reset this case to hire my own attorney.	
<input type="checkbox"/> I have hired an attorney, whose name is: _____	
<input type="checkbox"/> I want to apply for court-appointed counsel.	
<input type="checkbox"/> I have a court-appointed attorney, whose name is: _____	
<input type="checkbox"/> I want to waive my right to an attorney and represent myself.	
Defendant: _____	Date: _____

# PROCESS QUESTIONS

- If a defendant requests counsel at magistration, but no affidavit of indigency is sent to appointing authority, how can the court become aware of the request?
- If a defendant requests counsel at magistration, and the request is never ruled upon, can the defendant enter into an uncounseled plea?



# **APPOINTMENT OF COUNSEL**

# Selection of Counsel

The Indigent Defense Plan lists the method for appointing counsel.

- Rotational system (default)
- Public defender (used in Duval, Jim Hogg, and Starr)
- Managed assigned counsel
- Contract defender

# Appointment Rates: Compare Requests to Cases Paid

FY2019	Misd. Requests / Warnings	Misd. Cases Paid / Cases Added
Brooks	<b>0</b> / 133 (0%)	<b>46</b> / 397 (12%)
Duval	<b>13</b> / 280 (5%)	<b>82</b> / 228 (36%)
Jim Hogg	No reports	<b>41</b> / 48 (85%)
Jim Wells	<b>296</b> / 1,173 (25%)	<b>133</b> / 929 (14%)
Starr	<b>2</b> / 617(0.3%)	<b>280</b> / 1,013 (28%)
Zapata	<b>259</b> / 122 (212%)	<b>93</b> / 194 (48%)



# **STATE REPORTING**

# Local Reporting Requirements

- Indigent Defense Plan (Judiciary) – Nov. 1 every odd-numbered year
- Indigent Defense Expenditure Report (IDER) and Attorney Case Count (Auditor/Treasurer) – Nov. 1 every year
- Attorney Practice Time Figures (Criminal Defense Attorneys)
- OCA Reporting Requirements, incl. Mag. Warnings

THE DATA IS  
IMPORTANT—  
THE PUBLIC,  
MEDIA, AND  
ELECTED  
OFFICIALS  
USE IT!

Our County Data Sheets  
Show Appointment Rates,  
Various Expenditures

<http://tidc.tamu.edu/public.net/>



**TIDC**  
TEXAS INDIGENT DEFENSE COMMISSION

**INDIGENT DEFENSE DATA FOR TEXAS**

Welcome to the Texas Indigent Defense Commission's clearinghouse of information on indigent defense. The purpose of this website is to provide information to the public and to serve Texas counties.



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Home
County ID Plans
County ID Expenditures & Cases
TIDC Grants and Funding
County Dashboard

Show/Hide Upper Section

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**County**

Starr

**Fiscal Year(s)**

Texas 2018 2015  
2018 2014  
2017 2001  
2016

**Options**

Output To Screen

View Report

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**Starr County Data Sheet**

Category	Texas 2018	2018	2017	2016	2015	2014
Population (Non-Census years are estimates)	28,525,596	64,053	64,556	63,241	62,929	61,854
Felony Charges Added (from OCA report)	288,260	463	464	496	838	1,148
Felony Cases Paid	215,240	186	157	224	298	359
% Felony Charges Defended with Appointed Counsel	75%	40%	34%	45%	36%	31%
Felony Trial Court-Attorney Fees	\$127,984,845	\$32,588	\$30,825	\$122,475	\$159,425	\$195,063
Total Felony Court Expenditures	\$144,666,326	\$33,113	\$30,825	\$122,825	\$164,950	\$198,263
Misdemeanor Charges Added (from OCA report)	467,851	650	1,166	1,090	541	647
Misdemeanor Cases Paid	214,494	330	315	164	118	143
% Misdemeanor Charges Defended with Appointed Counsel	46%	51%	27%	15%	22%	22%
Misdemeanor Trial Court Attorney Fees	\$43,916,567	\$2,925	\$20,050	\$56,175	\$42,675	\$54,450
Total Misdemeanor Court Expenditures	\$44,791,946	\$2,925	\$20,050	\$56,175	\$42,675	\$54,450
Juvenile Charges Added (from OCA report)	28,970	27	54	67	75	58
Juvenile Cases Paid	41,578	23	30	54	55	73
Juvenile Attorney Fees	\$11,805,587	\$2,288	\$7,425	\$21,200	\$21,000	\$30,750
Total Juvenile Expenditures	\$12,312,690	\$2,288	\$7,425	\$21,200	\$21,000	\$30,750
Total Attorney Fees	\$189,152,540	\$43,300	\$58,300	\$199,850	\$223,100	\$286,763
Total ID Expenditures	\$276,229,545	\$878,491	\$1,118,050	\$200,200	\$228,933	\$301,441
Increase in Total Expenditures over 2001 Baseline	211%	2279%	2927%	442%	520%	716%
Total ID Expenditures per Population	\$10	\$14	\$17	\$3	\$4	\$5
Commission Formula Grant Disbursement	\$23,320,001	\$39,712	\$51,080	\$42,849	\$47,838	\$68,443
Costs Recouped from Defendants	\$10,281,678	\$1,199	\$3,384	\$10,386	\$7,974	\$16,164

**[Note 1]** 2018 population estimate is not available yet so the population estimates for 2017 are shown in its place. It will be updated later when it's available.  
**[Note 2]** Not all cases paid or disposed are reflected. Appeals are excluded. Public Defender cases are included in counts. PD expenditures are excluded except for Total ID Expenditure value. From 2010 forward, NR for Cases Added means that county has not reported to OCA and an asterisk (\*) indicates the number of months a county reported is less than 12.

# FOR MORE INFORMATION:

- **TIDC Model Forms and Procedures**

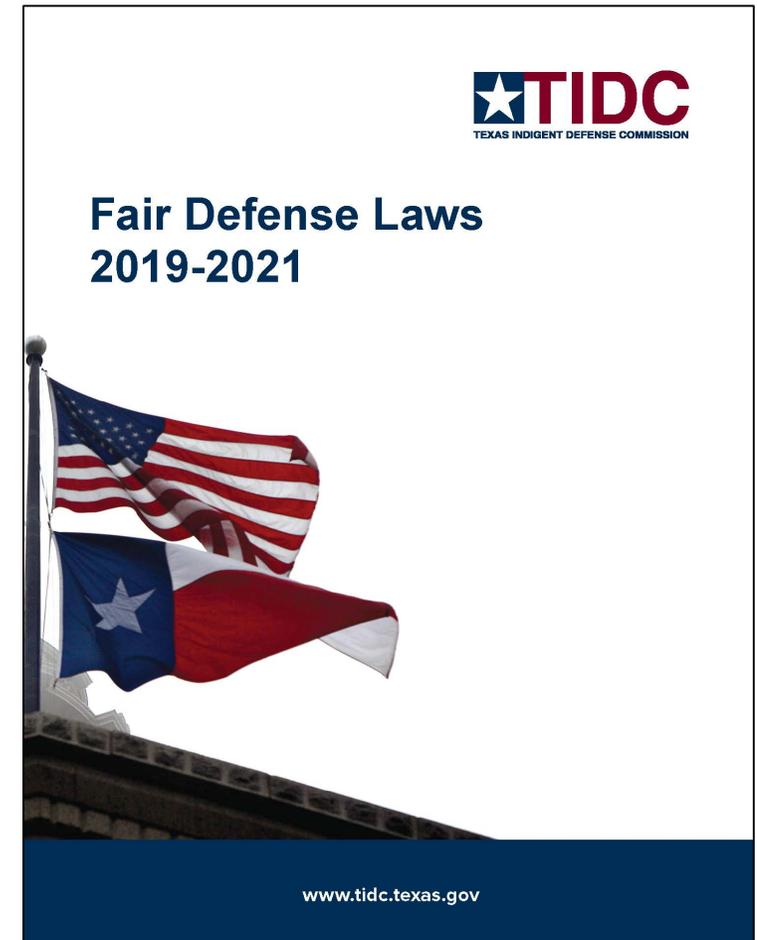
<http://www.tidc.texas.gov/policies-standards/model-forms-procedures/>

- **A Primer for Local Officials**

[http://www.tidc.texas.gov/media/52836/2017\\_primer-for-county-officials\\_final3.pdf](http://www.tidc.texas.gov/media/52836/2017_primer-for-county-officials_final3.pdf)

- **Fair Defense Laws, 2019-2021**

<http://www.tidc.texas.gov/media/58409/fda-fy19-21.pdf>





# **INDIGENT DEFENSE IMPROVEMENT GRANTS**

# TIDC Improvement Grant Program

## Goals

- Develop new programs or processes to improve indigent defense services
- Support policy initiatives and strategic objectives of TIDC
- Aimed at permanent programs sustainable beyond end of grant

## How It Works

- Competitive (evaluated by committee of outside reviewers)
- Grant payments made on a reimbursement basis
- Require county matching funds

# NEW RURAL PUBLIC DEFENSE GRANTS

- (1) Formula Grants – \$15,000 base
- (2) Indigent Defense Coordinator – 50% over 4 yrs
- (3) RPDO (Capital Cases) – 2/3rd of office
- (4) Rural Regional Public Defender – 2/3rd of office

# TIDC Improvement Grant Program (cont'd)

## FY 2021 Discretionary Grant Request for Applications (RFA)

Available on homepage of  
TIDC website under  
“What’s New”

[http://www.tidc.texas.gov/media/58384/fy21-  
improvement-grant-rfa.pdf](http://www.tidc.texas.gov/media/58384/fy21-improvement-grant-rfa.pdf)

**Essential Reading!**



### FY2021 Indigent Defense Improvement Grant Request for Applications (RFA)

#### Section I: Overview

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 may provide Improvement Grants for any program that improves the provision of indigent defense services.

**Period for Funding and Program Operation:** October 1, 2020 to September 30, 2021.

**Application Due Date for Priority Consideration:** May 11, 2020.

Applications must be submitted online through the Commission's [Grant and Plan Management Website \(http://tidc.tamu.edu\)](http://tidc.tamu.edu). Applications submitted after this date will be considered for funding based on availability of funds.

#### Optional Intent to Submit Application (ISA)

Applicants are strongly encouraged to submit a brief Intent to Submit Application (ISA) online form prior to developing a new grant application. The ISA provides an opportunity for TIDC to provide initial feedback on whether the proposed program is within the scope of the grant program. Although ISAs are optional, counties should submit them by **March 31, 2020** in order to provide sufficient opportunity to incorporate TIDC feedback when developing a full application. Contact the TIDC Grant Team at 512-463-2508 or [ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov) to initiate an ISA.

#### Improvement Grant Categories

##### Multi-Year Improvement Grants

- Minimum of \$50,000 per application.
- Funding for direct client service programs that represent indigent defendants.
- Provides funding over four years.
- Typically pays up to 80% of total project costs for the first year; 60% for the second year; 40% for the third year; and 20% for the fourth year.
- Awards for multi-year programs are made each fiscal year, with funding of eligible expenses provided on a reimbursement basis. Grantees will be required to re-apply for continued funding each grant year.
- Require a cash match as described above.

##### Single-Year Improvement Grants

- Minimum of \$5,000 per application.

# TIDC Improvement Grant Program (cont'd)

## FY21 Discretionary Grant Timeline

- Request for Application (RFA) – issued **January 2020**
- Intent to Submit Application (optional) – due **March 31, 2020**
- Full Applications – due **May 11, 2020**
- Start Date for Funded Programs – **October 1, 2020**

**Webinar Trainings become available in February**

# TIDC Contacts

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