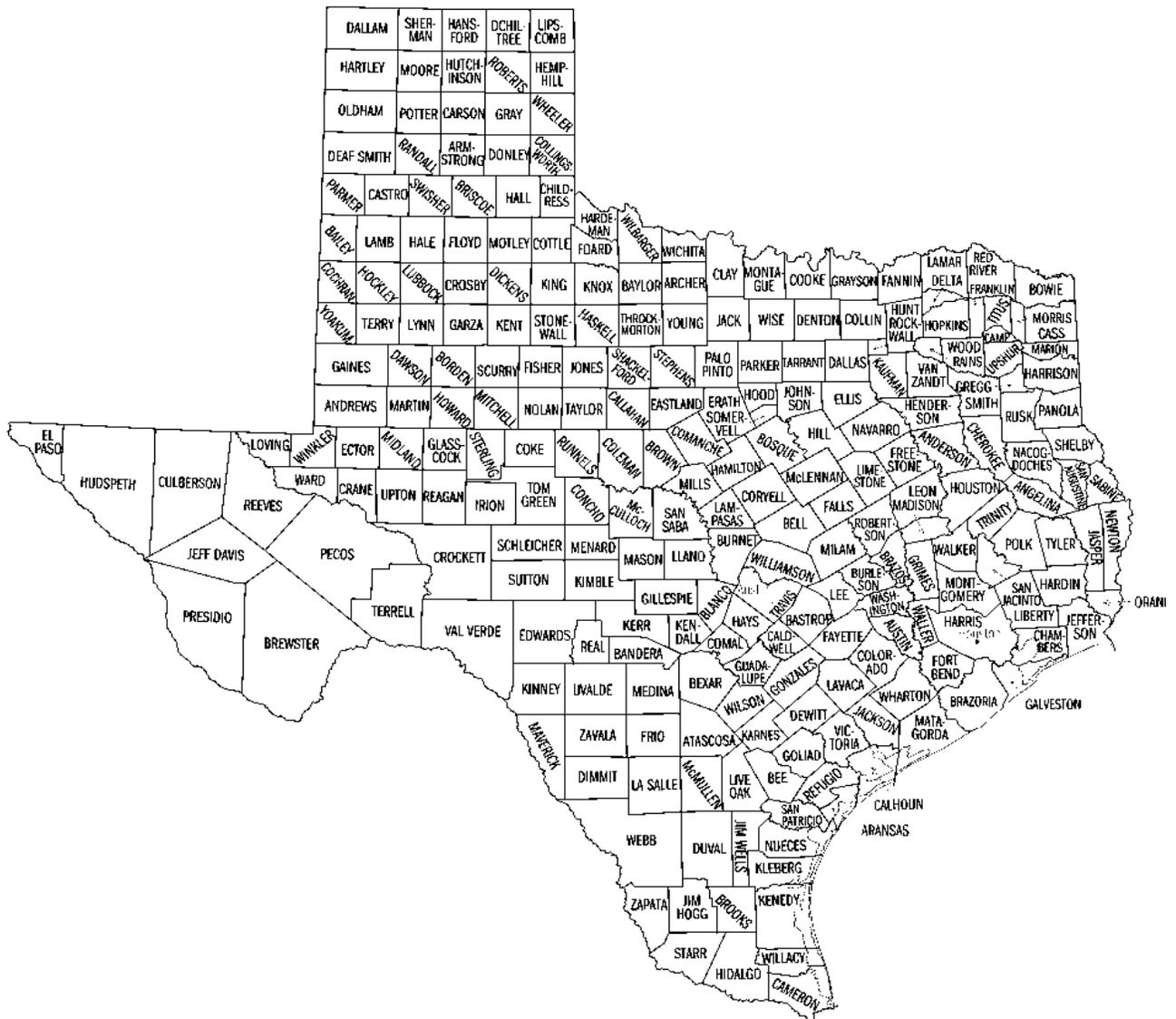




# TEXAS TASK FORCE ON INDIGENT DEFENSE

## ANNUAL REPORT FISCAL YEAR 2003





**INDIGENT DEFENSE, TEXAS TASK FORCE**  
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**OFFICERS:**

Honorable Sharon Keller	Chair – Presiding Judge, Court of Criminal Appeals
Honorable Olen Underwood	Vice-Chair – Judge, 284 <sup>th</sup> Judicial District, Presiding Judge, 2 <sup>nd</sup> Administrative Judicial Region

**EX OFFICIO MEMBERS:**

Honorable Sharon Keller	Austin, Presiding Judge, Court of Criminal Appeals
Honorable Robert Duncan	Lubbock, State Senator
Honorable Terry Keel	Austin, State Representative
Honorable Ann McClure	El Paso, Justice, 8 <sup>th</sup> Court of Appeals
Honorable Orlinda Naranjo	Travis County Court at Law #2
Honorable Thomas Phillips	Austin, Chief Justice, Supreme Court
Honorable Todd Smith	Bedford, State Representative
Honorable John Whitmire	Houston, State Senator

**MEMBERS APPOINTED BY GOVERNOR:**

Mr. Eduardo Arredondo	Marble Falls, Attorney, Law Office of Eduardo Arredondo
Honorable Jon Burrows	Temple, Bell County Judge
Mr. Knox Fitzpatrick	Dallas, Attorney, Fitzpatrick, Hagood, Fisher & Holmes
Honorable Olen Underwood	Judge, 284 <sup>th</sup> Judicial District, Presiding Judge 2 <sup>nd</sup> Administrative Judicial Region of Texas
Honorable B. Glen Whitley	Hurst, Tarrant County Commissioner

**STAFF:**

James D. Bethke	Director
Wesley Shackelford	Special Counsel
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Bryan Wilson	Grants Administrator



**TEXAS TASK FORCE ON INDIGENT DEFENSE**  
**205 West 14<sup>th</sup> Street, Suite 700 Tom C. Clark Building (512)936-6994**  
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CHAIR:  
THE HONORABLE SHARON KELLER  
Presiding Judge, Court of Criminal Appeals

DIRECTOR:  
MR. JAMES D. BETHKE

VICE CHAIR:  
THE HONORABLE OLEN UNDERWOOD

December 22, 2003

Governor Rick Perry  
Lieutenant Governor David Dewhurst  
Speaker Tom Craddick  
Texas Judicial Council

Dear Ladies and Gentlemen:

It is our privilege to submit a report concerning the duties, activities and accomplishments of the Texas Task Force on Indigent Defense for the fiscal year ending August 31, 2003, in accordance with Section 71.061, Government Code.

The Task Force on Indigent Defense is grateful for the support it received during the fiscal year 2003 from the Governor and his staff, from the Legislature, and from the Judiciary.

As we move forward in fiscal year 2004, we also acknowledge the professionalism of the judiciary, counties, defense attorneys, and many others, who have demonstrated their dedication to this program. It is only through all of our efforts that the right to counsel is preserved and the interests of justice are assured.

Sincerely,

Sharon Keller  
Chair, Task Force on Indigent Defense  
Presiding Judge, Court of Criminal Appeals



## **Past Members**

- ❖ Honorable Kenneth Armbrister, State Senator, served through January 2003.
- ❖ Honorable Pete Gallego, State Representative, served through January 2003.
- ❖ Honorable Juan Hinojosa, State Senator, served through January 2003.



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## I. Executive Summary

The mission of the Task Force on Indigent Defense is to improve the delivery of indigent defense services through fiscal assistance and professional support to State, local judicial, county, and municipal officials. The purpose of the Task Force is to promote justice and fairness to all indigent persons accused of criminal conduct, including juvenile respondents, as provided by the laws and constitutions of the United States and Texas.

The Task Force provides fiscal and professional support relating to indigent defense services to courts and counties by:

- Distributing state monies in the form of grants to counties;
- Accounting for the distribution of state monies through the collection and review of county expenditure data and through site visits;
- Providing professional assistance to courts and counties on-site and through a toll-free help line;
- Developing uniform policies and standards for providing legal representation and other defense services to indigent defendants;
- Promulgating model forms and identifying best practices;
- Collecting and maintaining statewide indigent defense reporting information;
- Promoting stakeholder involvement in the development of uniform policies and model forms;
- Educating county officials, the courts, the criminal defense bar, the public and other stakeholders about the Fair Defense Act; and
- Monitoring program compliance with the Fair Defense Act through the collection of judicial plans and through site visits.

The 77<sup>th</sup> Texas Legislature, through the passage of the *Fair Defense Act*, established the blueprint for meaningful interaction between State and local government through the creation of the first state body to administer statewide appropriations and policies. In exchange for State fiscal assistance, the local judiciary is required to report its plan for delivering indigent defense services. The Task Force publishes these local plans on its website for all to view. The law also requires local county auditors to annually report county expenditures pertaining to criminal indigent defense services. The county expenditure reports are also published on the Task Force website.

Through the analysis of this local data and site visits, the Task Force monitors county compliance. The mission of the Task Force is advanced through the collection and publication of this local data as well as through the promulgation of uniform indigent defense policies and model forms.

The Task Force serves as a standing committee of the Texas Judicial Council and is composed of eight ex officio members and five members appointed by the Governor.



Sharon Keller, presiding judge of the Court of Criminal Appeals, serves as chair to the Task Force. Olen Underwood, judge of the 284<sup>th</sup> District Court and presiding judge of the 2<sup>nd</sup> Administrative Judicial Region of Texas, serves as vice-chair. The Task Force accomplishes much of its work through its two committees: 1) Grants and Reporting; and 2) Policies and Standards. The Grants and Reporting committee is chaired by Glen Whitley, Tarrant County Commissioner, and the Policies and Standards committee is chaired by Knox Fitzpatrick, Dallas criminal defense attorney.

During this biennium, the Task Force awarded approximately \$19 million in grant funds to all qualifying counties to improve indigent defense services. The Task Force has adopted permanent grant administration rules. Eligibility for grants is conditioned on compliance with fiscal and plan requirements. Fiscal requirements are satisfied once a county demonstrates that its annualized expenses are greater than the expenditures reported during its baseline year. Plan requirements are met once the juvenile board and the local administrative judge for the county and district courts have on file with the State a plan that meets the minimum requirements established by the Task Force. The judiciary and counties are to be commended for their efforts in complying with the mandatory state reports and legal requirements imposed upon them as a result of these laws.

As a result of the efforts and progress made by both the counties and the judiciary, the 78<sup>th</sup> Texas Legislature adjourned its Regular Session having made no significant changes to the Fair Defense Act.

While leaving the substantive provisions of the law intact, the legislature appropriated more funds for indigent defense than in the prior biennium. This success was due in large measure to the efforts of the Task Force, members of the judiciary, county leaders and indigent defense advocacy groups. For FY04-05, the Task Force was appropriated \$12,226,545 and \$11,956,912, respectively, for a total of \$24,183,457. This compares to \$19,829,000 for FY02-03. The \$12,226,545 appropriated for FY04 includes an estimated unexpended balance of \$268,632 from the previous biennium. Of the amount appropriated each year, \$685,500 is earmarked for the administration of the Task Force. Any court costs deposited in excess of \$24,183,457 for FY04-05 is appropriated to the Task Force for the same purpose.

In addition to the regular appropriations discussed above, two other bills were passed and signed by the governor that will increase funding to counties in support of this important function. The first is contained in the State Bar of Texas sunset bill – HB 599. It includes a provision creating a mandatory \$65 annual attorney bar association fee. One-half of the fees collected, an estimated \$1.74 million per year, is designated for “demonstration or pilot projects that develop and promote best practices for the efficient delivery of quality representation to indigent defendants in criminal cases at trial, on appeal, and in post-conviction proceedings.” Funds raised under this provision will not be available to the Task Force until late summer 2004.



The second new revenue source was contained in HB 1940 dealing with longevity pay for prosecutors that also added a new \$5 fee on all surety bonds taken for offenses other than those punishable by fine only. This surety bond fee is designated for the Fair Defense Account and is estimated to raise \$503,000 in FY04 and \$1.08 million in FY05.

The Task Force was also approved to increase its staff from five to six. This new position will be used primarily for grant and program monitoring. Additional funding was not requested for this position; therefore this position will be absorbed within the existing administrative budget. The Task Force plans to have this position filled in November 2003.

Through support of the Texas Legislature, the Governor's Office, county government, and the judiciary, the Task Force will continue its statewide dialogue with both the public and private stakeholders concerning indigent defense. During the past year, as outlined on the following pages of this report, much of the dialogue has been turned into deliverables. In its short existence, the Task Force has created an efficient and collaborative infrastructure for the continuing implementation of the law and for future improvements to indigent defense procedures statewide.



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## **II. Activities and Accomplishments**

The Task Force and its committees met a total of 14 times during FY03 to fulfill its responsibilities and duties under the statute. A complete timeline of activities and accomplishments during FY03 is attached as Appendix A.

### **Open Meetings of full Task Force and Committees (14 total in FY03)**

#### *Policies and Standards Committee Meetings:*

September 6, 2002  
October 23, 2002  
March 12, 2003  
April 1, 2003  
April 22, 2003  
July 29, 2003

#### *Grants and Reporting Committee Meetings:*

December 18, 2002  
January 16, 2003  
March 12, 2003  
April 22, 2003  
July 30, 2003

#### *Full Task Force meetings:*

October 23, 2002  
January 16, 2003  
April 23, 2003  
July 30, 2003

### **❖ Policies and Standards Committee**

The Task Force is charged with developing policies and standards for providing legal representation and other defense services to indigent defendants. It is also directed to monitor the effectiveness of county indigent defense procedures to assure compliance with state laws related to indigent defense. In furtherance of these goals in FY 2003, the Task Force adopted rules related to minimum continuing legal education (CLE) requirements for attorneys, adopted three model forms for use in counties, extensively considered the adoption of an indigence standard, and implemented an indigent defense plan submission and review process to improve the quality of indigent defense services provided in the state.



The Policies and Standards Committee is charged with:

- Preparing a preliminary strategic plan for the consideration of the full Task Force that addresses the provisions enumerated in Section 71.060, Government Code concerning policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings.
- Implementing a plan to examine county plan procedures and forms pertaining to indigent defense services submitted to the Office of Court Administration and Task Force pursuant to Section 71.0351, Government Code.
- Developing or recommending the development of model/uniform forms pertaining to the core functions of the Fair Defense Act.

The Policies and Standards Committee met in May 2002 and requested that the Task Force staff in collaboration with other stakeholders prepare: 1) a survey of the county plans and determine what standard(s) for determining indigency are presently used and their underlying criteria, verification methods (if any) and what affect, if any, the availability of legal resources has on the issue generally; 2) a survey of the county plans to determine the minimum annual CLE and experience levels required statewide; 3) front-end model forms and procedures for judges, magistrates, law enforcement and prosecutors. Based on this initial work plan, the committee and ultimately the Task Force have taken a number of actions to address these issues.

### **Minimum Continuing Legal Education Requirements**

The Task Force adopted its first standards in indigent defense when it set minimum training requirements for attorneys to be eligible for appointments. They became effective on April 27<sup>th</sup> following ratification by the Texas Judicial Council. The Policies and Standards committee initially proposed the rules after conducting a review of the requirements already in place in Texas' counties, other states, and nationwide standards. The committee then convened a workgroup of judges, court administrators, auditors and defense counsel, which met on October 11, 2002 to review a draft CLE rule and provide feedback. Draft rules were also circulated to judges for review and comment through a survey administered by the Task Force. This feedback led to revisions to the rules before being formally recommended by the Committee to the Task Force on October 23, 2002. The Task Force in turn proposed the rules at its meeting on the same day and they were published November 8, 2002 in the Texas Register. The Task Force adopted the rules on January 22, 2003 and forwarded them to the Texas Judicial Council for ratification as required by Section 71.060(b), Government Code. The Texas Judicial Council ratified the rules at its April 1, 2003 meeting.

The rules require attorneys to complete a minimum of six hours of CLE in criminal law or six hours of CLE in juvenile law annually to be eligible for appointment in criminal or



juvenile cases, respectively. Most counties already required more than six hours, especially to qualify for criminal appointments. As an alternative to meeting the CLE requirements, the rules allow an attorney to be currently certified in criminal or juvenile law by the Texas Board of Legal Specialization.

Each jurisdiction may determine what annual reporting period to use for the attorneys on the appointment list (e.g. fiscal year, calendar year, month of birthday). Continuing legal education activity completed within a one-year period immediately preceding the initial reporting period may be used to meet the educational requirement for the initial year. The initial reporting period must begin no later than April 27, 2003, the effective date of the rules.

The following provisions are also included in the rules to add flexibility so that attorneys may meet the requirements without undue burden, especially if criminal and/or juvenile appointments are only a small part of their practice:

- All of the hours may be earned through any method authorized by the State Bar of Texas, including self-study. Attendance at a State Bar accredited CLE training is NOT required.
- Carryover provision allows an attorney to earn 12 hours at one conference and carry forward 6 hours to the next year's reporting period.
- Emergency appointment allowed when no attorney meeting the CLE requirements is available by the time an attorney must be appointed in a case. Priority must be given to an attorney with experience in criminal or juvenile law, respectively.

The Task Force believes that completing CLE in criminal and juvenile law is essential for attorneys representing indigent defendants to stay abreast of the latest developments in the law. Implementation of these standards will lead all attorneys in the field to complete training or reading on the law on a regular basis and improve the quality of representation provided to indigent defendants.

### **Model Forms Promulgated**

The Task Force adopted the following model forms :

- Magistrate's Warning Form (English and Spanish)
- Attorney Fee Voucher
- Affidavit of Indigence

These forms are available electronically at [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid).

The Magistrate's Warning Form was initially drafted based on a compilation of representative forms and the statutory requirements contained in Article 15.17, Code of Criminal Procedure as amended by the Texas Fair Defense Act. The Policies and Standards



Committee reviewed the draft at its September 6, 2002 meeting and asked for comments on the form. The Committee then proposed the adoption of the form at its October 23, 2002 meeting, which was immediately followed by its adoption by the Task Force that same day. A Spanish language version of the form was adopted on January 16, 2003 after the form was translated by a certified court interpreter.

The Attorney Fee Voucher was created for use by counties for attorneys to submit their bills to the judge. It was created in response to demand from county auditors and treasurers to assist in the collection of the statutorily required expenditure reporting categories. Once again a draft form was initially created based on a number of representative fee voucher forms and the categories of expenditures required by statute. This draft was then presented to a workgroup of judges, court administrators, auditors and defense counsel that met October 11, 2002. The workgroup refined the form that was ultimately presented to the Policies and Standards Committee and Task Force at their October 23, 2002 meetings in which it was adopted.

In addition to the review process described above, both forms were distributed for comment in a survey to judges across the state. Their feedback proved invaluable to improve the forms to meet the needs of Texas courts.

### **Determining Indigence**

Also in response to the direction provided at the initial meeting of the Policies and Standards Committee, staff conducted a thorough review of indigence standards used in Texas counties, other states' standards, federal standards, and model standards. The Committee then created a workgroup to examine the issue and consider development of standards and model forms. The workgroup met on January 17, 2003 and June 27, 2003, but was not able to reach a consensus on standards. It did, however, develop a model Affidavit of Indigence form. Three slightly different versions of the form were ultimately adopted by the Committee and Task Force at their meetings on July 29-30, 2003. Once again the forms are being offered as a tool courts may use to facilitate the process of determining whether a person is indigent and unable to hire counsel. The forms were then translated into Spanish to facilitate their completion by Spanish speaking defendants. All model forms are available on the Task Force's website at [www.courts.state.tx.us/tfid](http://www.courts.state.tx.us/tfid).

### **FY03 Plan Submission**

The Task Force implemented the annual submission of indigent defense plans due by January 1, 2003 as required by Section 71.0351, Government Code by permitting the submission of a plan summary in lieu of re-submission of an identical plan. The plan summary was a checklist of key features of the plan and included one for criminal and one for juvenile plans. It was sent to judges in October, 2002, along with detailed plan submission instructions and a listing of minimum elements required to be addressed in criminal and juvenile plans. Judges were given the opportunity to submit their plans either



in hard-copy or electronically. Nearly two-thirds of counties submitted plan summaries, while the remaining all submitted their full indigent defense plans and forms.

During FY03, Public Policy Research Institute (PPRI) at Texas A&M University created a website containing scanned versions of all 2002 plan materials submitted. It then added all the 2003 plan materials submitted, including all forms and plan summaries. They are arranged by county and then by court levels covered and are available to the public through the Task Force website. They may also be searched using a number of criteria including county population, poverty rates, expenditures, and attorney selection method.

After their receipt, the Task Force conducted a review of the plans for compliance with FY 2003 and FY 2004 formula grant requirements. Once again, law students from the University of Texas assisted on the project. We found that almost all the counties continued to meet the three prompt access to counsel items required by the FY 2002 formula grant (Initial appearance to magistrate within 48 hours, Counsel Requests transmitted to appointing authority within 24 hours, Appointing Counsel within 1 or 3 working days). However, many counties did not meet one or more of the four following elements in their plan submissions related to payment for indigent defense services required in the Fair Defense Act:

- Attorney Fee Schedule
- Attorney Fee Voucher
- Procedures for payment of experts and investigators *with* prior court approval
- Procedures for payment of experts and investigators *without* prior court approval

Overall, only 18 counties initially met all seven of the requirements set by the Task Force as grant eligibility requirements for the FY 03 and FY 04 Formula Grant programs. Letters were sent to each of the local officials responsible for submission of the indigent defense plans with deficiencies to explain the issue. We also provided a customized plan supplement for their consideration to address the deficient items. By the end of July 2003 there were 75 counties remaining not in full compliance. Staff then followed up with phone calls to these remaining counties to assist them in coming into full compliance. This resulted in all but one county (a county not receiving grant funds) coming into full compliance.

Alongside the plan review process for compliance with FY 2003 grant requirements, staff also reviewed all plans for compliance with the Task Force's new minimum CLE rules discussed earlier in this report. Compliance with this rule is an eligibility requirement for the FY 2004 discretionary grant program. This review allows counties to know in advance of applying for a discretionary grant whether they meet all the requirements of the grant program and allows them to immediately get assistance from staff to come into compliance with the rules.



## ❖ Grants and Reporting Committee

The Task Force directs the comptroller to distribute funds, including grants, to counties, and then monitor compliance by the counties with the conditions of the grant. This includes developing policies to ensure that funds are allocated and distributed to counties in a fair manner. Counties may not reduce the expenditure of county funds because of the grant funds. In the first year (FY2002) the Task Force distributed approximately \$7.2 million dollars to 238 counties across Texas for the betterment of indigent defense services. Funding for FY2003 was \$10.8 million to 242 counties. The Task Force also issued \$1.5 million in discretionary grants to 20 counties that developed new programs to improve indigent defense.

The Grants and Reporting Committee is charged with:

- Preparing a recommendation to the Task Force on Indigent Defense on the grant process and necessary rules to distribute state monies to counties for this biennium to provide indigent defense services in the counties.
- Developing policies to monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant.
- Developing policies to monitor the efforts of each county that receives a grant to determine the effectiveness of the delivery of the indigent defense services in the respective county and recommend improvements in the grant process where applicable.
- Preparing a plan for the consideration of the Task Force on Indigent Defense that establishes statewide requirements for counties relating to reporting indigent defense information. The plan must include provisions to reduce redundant reporting by counties and provisions that take into consideration the costs to counties to implement the plan statewide.

### **Formula Grants**

Formula Grants provide money to counties for increased indigent defense costs based on a formula set by the Task Force. Qualifying counties are eligible for funds determined by the formula only to the extent their spending exceeds spending in their baseline year (FY2001). The current formula provides that all counties may be eligible for a \$5,000 “floor.” The remaining funds set aside by the Task Force for these purposes are then allocated based on the counties’ percent of the State of Texas’ population. Counties must meet minimum spending requirements to receive credit for spending the funds as required in Texas Government Code § 71.062 (d).

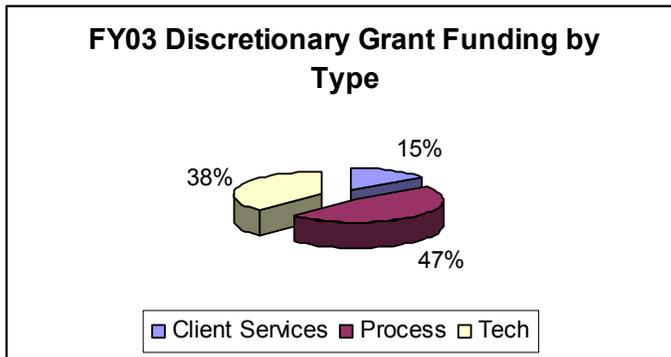


The Task Force awarded \$10.8 million in FY03 to 242 Texas Counties. The largest award was issued to Harris County for \$1,595,202 and the smallest was to Loving County for \$5,027. Twelve counties did not apply for the grant<sup>1</sup>. The main reason for not applying was that these counties did not use the FY02 grant or did not have or did not anticipate having increased indigent defense costs. Counties that did not apply for the grant were eligible to receive direct disbursements if they encountered indigent defense expenses above their baseline. No counties applied for direct disbursement in FY03. A complete list of counties receiving formula grant funds and the relative value of the award is contained in Appendix D.

Reduced revenues from legislative cuts and reduced court costs collections adversely impacted the FY03 grant management process. In January 2003, the Governor, Lt. Governor, and Speaker required all state agencies to reduce budgets by 7% for the current fiscal year. Court cost collections also decreased by approximately \$400,000. These events impacted the formula grant awards after they were issued. The Task Force however was able to overcome these challenges with minimal or no direct impact to the courts and counties.

### Discretionary Grants

The Task Force solicited applications for discretionary grants from all 254 counties. There



were 26 counties that applied for funding for 35 different programs. The programs cover three broad areas: 1) direct client services; 2) technology initiatives; and 3) processes to help counties track indigent defense. A complete list of counties receiving discretionary grant funds and the value of the award is contained in Appendix E.

The basic review and selection process involved other state agencies assisting the Task Force staff by volunteering staff. The reviewers were from the State Grants Team in the Office of the Governor, Texas Department of Criminal Justice – CJAD, Office of Court Administration, and Texas Juvenile Probation Commission. After the grant administrator certified the application complete and related to indigent defense, the reviewers scored each proposal. The scored proposals were taken to the Grants and Reporting Committee for review with recommendations. The Committee provided comments for staff consideration and points of negotiation that the staff should discuss with counties. Of the 26 counties that

<sup>1</sup> Cochran , Glasscock , Hartley, Hemphill, Hutchinson, Kenedy, King , La Salle, Lavaca, McMullen, Pecos, Zavala



applied, 20 counties were awarded grants representing 22 different programs for a total of \$1.5 million.

The FY03 discretionary grants marked the first statewide development, funding, and implementation of novel indigent defense projects. Many programs started timely, others however, met with challenges. Only ten of the counties submitted for reimbursement in the first quarter. Eleven counties had their programs fully operational within the first 90 days of the grant—16 by the end of the second quarter. The delays were a result of local coordination issues or infrastructure issues related to technology. Two grants were modified to reduce their scope after the counties requested the modifications. They were not able to implement the grants as originally funded. One grant was terminated when it was determined that no action had been taken and the grant could not be completed within the time allotted.

### **Grant Outreach**

The Task Force staff has focused much of its time and energy on serving and assisting counties in the improvement of their indigent defense systems by providing telephone assistance, presentations, trainings and on-site visits. In relation to grant program assistance, staff has used telephone, mail, fax, e-mail, and an e-newsletter to communicate grant and reporting responsibilities. Grant staff responded to over 1000 telephone inquiries and resolved most problems within one day. The information provided to counties included grant program development, reporting, data collection, indigent defense related expense definitions, case counting, meeting grant and statutory requirements, and other issues.

Presenting indigent information to local officials in various parts of the state has been a priority of the Task Force. Regional training has been an important aspect of outreach for grant staff. The grant administrator has conducted presentations on grant funding, expense reporting, and monitoring, both to county associations and in regional training sessions sponsored by the Task Force.

Finally, staff has conducted 25 site visits covering 26 different counties. At least one site visit was conducted in each of the nine administrative judicial regions. To conserve state travel resources, staff often conducts site visits in conjunction with grant trainings, speaking engagements, or other travel. The site visits allow staff to listen and discuss issues and concerns of county officials. Some of the issues that judges and county officials have raised relate to the definition of indigency, the operational length of time required by statute to appoint attorneys when defendants are bonded out, the appropriate use of the wheel rotation system, the use of interpreters, and other general court cost as indigent defense costs. Court and county officials have also met with Task Force staff to discuss details of the discretionary grant programs.



## **Office of the Governor Sponsors Grant Workshop**

The State Grants Team of the Office of the Governor in collaboration with Task Force staff prepared and presented a first-rate grant writing workshop to 76 county officials representing 73 Texas counties. The two-day program, offered July 31<sup>st</sup> and August 1<sup>st</sup>, was designed to meet the needs of county officials on “how to” secure state and federal funds to improve the delivery of county indigent defense services. Participants had many favorable comments regarding the written materials (“Writing to Win”) and the verbal presentations.

## **New Programs**

Two new programs were added to assist counties in the delivery of indigent defense services. An “Extraordinary Disbursement Program” was adopted by the Task Force. This allows counties to forward expenses that they consider extraordinary and that are above their baseline amount and their formula grant award. Counties must provide the application and justification before the end of the state fiscal year to qualify. The Task Force will make decisions toward the end of each fiscal year based on county need demonstrated in the application and the availability of funds.

Also, a “Technical Support Program” was instituted this year. This is an internal policy adopted by the Task Force that provides what technical support may be delivered to counties. Counties may apply to the director of the Task Force for assistance in areas where the county may need expertise. The director may assign staff or seek alternatives to provide this assistance. Technical Support is providing solutions to county issues.

The Task Force issued its first technical support contract through a request for offers to conduct a research study of the Public Defender (PD) systems in Dallas and Wichita counties. Most counties use the assigned counsel attorney appointment system. Some counties use contract appointment systems. Of all 254 counties only 6 use some form of Public Defender system. Following up on many counties’ inquiries about PD systems and the Comptroller’s June 1999 “Reduce Costs Involved in Representing Indigent Defendants – El Paso County” the Task Force will perform an analysis of two PD offices to determine costs and benefits. Using a private consultant under direction of the Task Force staff was determined to be the best mechanism to evaluate and create a knowledge base about this type of system. The study will review several public defender offices that currently exist within the state and from that study produce a “blue print” for other regions to build more public defender offices in the state. The study will provide a best practices guide for the existing public defenders offices, thus providing technical assistance. This decision was approved by the Governor’s office and the findings and results of this study will be released in early 2004.

The other Technical Support Program project supported by the Task Force was to develop a mechanism for newly licensed attorneys to qualify for the appointment wheel in Lubbock County. Traditionally, many newly licensed attorneys depended on public court



appointments to develop the experience to build a viable private practice. With the advent of the Fair Defense Act many courts appropriately set minimum qualification standards for an attorney to be able to accept appointments in a county. This limited the potential pool of attorneys able to accept appointments. The Lubbock County Defense Bar and the Lubbock county courts developed a mentoring program that had three main components; 1) experienced attorneys conducted training sessions covering criminal defense and trial information; 2) participating experienced attorneys were available to staff cases with newly licensed attorneys; and 3) judges appointed second chair attorneys in misdemeanor cases so newly licensed attorneys could gain experience to qualify for the appointment wheel. The Task Force provided \$2,500 to pay for copying fees of the education materials and video taping of the sessions and a minimal portion of the second chair appointments. The county will provide a copy of the video instruction and a brief paper to describe the activity by the end of 2003.

The final Technical Support Program project involved coordinating Dallas County's attorney appointment wheel for individuals with mental impairments. The Task Force staff co-sponsored a roundtable with Texas Appleseed and various stakeholders to discuss the possibility of creating a separate wheel of specially qualified lawyers for indigent defendants with mental health disorders. Participating stakeholders included district and county court judges, court officials, law enforcement personnel, advocates, practicing attorneys (including the chief public defender) and mental health service providers. The focus was to identify defendants with mental health disorders before an attorney appointment is made. The jail screening form has information on mental health status and will be "flagged" in the sheriff's computer system if they received prior mental health treatment in the county jail. District Judge John Cruzot emphasized the importance of getting mental health information to courts quickly so that an appropriate lawyer can be appointed at the first instance. Consensus was for a separate wheel; a working committee was formed to develop a draft plan for Dallas County.

## **Expenditure Report**

The first Indigent Defense Expenditure Report from Texas counties as required by Texas Government Code 71.0351(c) was submitted on November 1, 2002. Many counties did not have the ability to report the cases associated with the payments in the first year. The instructions for reporting went out in April (halfway through the fiscal year). Since counties had not set up systems to capture the case information the case report section was optional in the first reporting period. Counties were told all information would be required in all subsequent years. The Task Force adopted a model attorney fee voucher to assist counties in accurately counting cases associated with payments.

The first grant application required counties to submit their FY01 expenditures to establish a baseline comparison year for grant expense qualification. This information was also used as a benchmark for subsequent year comparisons. Based on the information provided for FY01, most counties continued to spend at higher levels. The FY02 data revealed an approximate



21 percent overall increase of indigent defense expenditures over FY01. Investigators, expert witnesses, and other direct litigation costs increased approximately 54 percent--the largest category increase. These increased expenses may be the greatest indicator of better defense systems in Texas from the fiscal perspective. Courts allowed more expenses for services to indigent defendants than recorded in FY01.

The FY03 Expenditure Report was due on November 3, 2003. It is anticipated that most counties will show another increase in spending over their FY01 baseline.

The following chart identifies the reporting requirements required by the Texas Fair Defense Act:

### Mandatory State Reporting Requirements

<i>Authority</i>	<i>Who Reports?</i>	<i>Where</i>	<i>What is Reported?</i>	<i>When</i>	<i>How</i>
Sec. 71.0351 (a) & (b), Gov't. Code	Local Administrative (District /County Court-at-Law) <b>OR</b> designee	OCA	A copy of all formal and informal rules and forms that describe indigent defense procedures (including schedule of fees)	Annually (Jan. 1)	form & manner prescribed by OCA
Sec. 71.0351 (c) & (d), Gov't. Code	County Auditor OR Designee of the Commissioners Court if no county auditor	OCA	Total amount expended for indigent support services and an analysis of the amount expended in each county. Data should minimally be categorized as follows: 1. Type of court (district, county, statutory county, or appellate); 2. Type of counsel (private or public); 3. Defendant status (juvenile or adult); and 4. Investigation expenses, expert witness expenses, and other litigation expenses.	Annually (Nov. 1)	form & manner prescribed by OCA
Sec. 71.062	County Authorized Official	Task Force	Grant Expenditures (Formula Funding)	Annually or semi-annual	written or electronic
Sec. 71.062	County Authorized Official	Task Force	Grant Expenditures (Competitive Funding)	Quarterly	written or electronic



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### **III. General Operations**

#### **Staff**

The Task Force staff consists of 5 full-time employees: director, executive assistant, special counsel, grant administrator and budget and accounting analyst. In FY02, the Task Force requested an additional FTE to fulfill the monitoring responsibility. That request was granted during the 78<sup>th</sup> legislature. A new employee began in November 2003 who is creating a monitoring program.

#### **Budget**

Program revenue and expenditures are attached in Appendix B.

#### **Website**

The web address for the Task Force is <http://courts.state.tx.us/tfid>. This web site was designed for Texas counties to use as a resource regarding the Texas Fair Defense Act and to serve as a clearinghouse of information concerning the activities of the Task Force and the Fair Defense Act. The Task Force supports strong communication and maintains a website to provide useful information to all persons involved in the indigent defense process, whether it be a taxpayer/constituent, state and county officials, or members of the Task Force. Such information includes county indigent defense plans, expenditure reporting data, model forms, calendar of events (including information on training), newsletters and other helpful information. The Task Force is mandated to make the process of reporting and applying for grants as efficient as possible to lessen the burden on the counties and has a contract with PPRI, the Public Policy Research Institute of Texas A&M University, to collect and store extensive data and make that data available for retrieval. Counties each have a home page accessible with a user ID and password. From the PPRI site (<http://tfid.tamu.edu>), which is accessible from the Task Force website, counties can update their contact information, apply for grants, and submit expenditure reports. This is all done electronically and cost effectively.

Task Force staff is available for technical assistance or any other type of information or help the public and counties may need.

#### **Training**

Training is an ongoing communication tool the Task Force is committed to as well. During the latter part of FY03 the grant administrator traveled to the various regions of Texas to train county personnel on the FY04 grant program and FY03 expenditure reporting requirements and instructions. In addition, the Task Force partnered with the State Grants Team of the Office of the Governor to provide a 2-day grant writing workshop in late July.



Further training programs will be ongoing. Counties are notified of opportunities by the Task Force staff.

The Task Force director and staff continue to make presentations as they did in FY02 at training programs sponsored by other entities across the state. A complete listing of those appearances is in Appendix C.

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## **IV. Vision for this Biennium**

The Task Force and its staff will continue working collaboratively with all stakeholders to ensure that indigent persons accused of criminal offenses receive timely and competent appointed counsel.

Through a collaborative, thoughtful process among all stakeholders consensus and meaningful change is possible.

The foundation and infrastructure for the delivery of indigent defense services was put in place over the last year and a half. Although much has been accomplished much more work remains to be done.

During this biennium the Task Force and its staff will award approximately 28 million dollars to county government to ensure the continued improvement of the delivery of indigent defense services in the State of Texas. The Task Force and its staff will also monitor and ensure that this money is being spent properly.

The Task Force and staff will continue to provide technical support and educational information to counties relating to effective indigent defense practices.

The Task Force and staff will strive to reduce any redundant reporting by county officials to the state as it relates to indigent defense.

The Task Force and staff will continue to develop policies and standards for providing legal representation to indigent defendants and begin to evaluate the impact of policies and standards currently in place.



## **APPENDIX A**

### **FY03 Timeline of Activities**



## FY03 TIMELINE AND ACTIVITIES

### September 2002

- 9/3/02 Distribution of 238 grant payments and 2 direct disbursements
- 9/6/02 Policies and Standards Committee meeting
- 9/13/02 Survey to Judges on Fee Vouchers and Magistration
- 9/30/02 County Indigent Defense Plans launched on Task Force website

### October 2002

- 10/11/02 Fee Voucher Workgroup meets
- 10/18/02 FY03 Formula Grant applications due
- 10/23/02 Policies and Standards Committee meeting
- 10/23/02 Task Force meeting
  - Adopts Permanent Grant Rules
  - Adopts model Magistrates Warning form
  - Adopts model Attorney Fee Voucher form
  - Proposes CLE rules
  - Adopts January 1, 2003 County Indigent Defense Plan submission instructions
  - Staff is directed to set up Discretionary Grant review team
  - Task Force seal adopted
- 10/24/02 Model forms published on the Task Force website
- 10/31/02 2002 Annual Expenditure Report submitted to the Legislative Budget Board

### November 2002

- 11/1/02 County Indigent Defense Expenditure Reports due
- 11/8/02 Proposed CLE rules published in Texas Register
- 11/26/02 Discretionary Grant Review Team meets

### December 2002

- 12/2/02 5:00 p.m. Deadline for FY03 Discretionary Grant applications
  - Discretionary Grant Review Team review begins
- 12/6/02 Judicial Focus Workgroup on SB7 meets
- 12/18/02 Grants and Reporting Committee meeting
- 12/19/02 2002 Annual Report published and delivered to Governor, Lt. Governor, Speaker, Texas Judicial Council

### January 2003

- 1/1/03 County Indigent Defense Plans due (or in lieu, coversheet and plan assessment)
- 1/16/03 Grants and Reporting Committee meeting
- 1/16/03 Task Force meeting
  - CLE rules adopted
  - Model Magistrates Warning form translated into Spanish, adopted
  - Additional \$1.2 million put into FY03 Formula for total of \$10.8 million awarded adopted
  - \$1.5 million awarded in FY03 Discretionary Grants



- Direct Disbursement fund set up for \$100,000 and policy adopted
- Extraordinary Disbursement fund set for \$200,000 and policy adopted
- Technical assistance and special projects adopted
- FY03 Task Force budget adopted
- Amendment to Grant Rule (giving authority to Task Force to extend grant period) adopted
- 1/17/03 Indigence Standards Workgroup meets
- 1/17/03 Public page with the menu for counties went live on the Task Force website. The page also links to the county expenditure report data

### **February 2003**

- 2/1/03 New members replace former members
- 2/28/03 FY03 Formula Grant 1<sup>st</sup> Quarter distribution

### **March 2003**

- 3/12/03 Policies and Standards Committee meeting
- 3/12/03 Grants and Reporting Committee meeting

### **April 2003**

- 4/1/03 Policies and Standards Committee meeting
- 4/1/03 Adopted CLE rules are ratified by Texas Judicial Council
- 4/22/03 Policies and Standards Committee meeting
- 4/22/03 Grants and Reporting Committee meeting
- 4/23/03 Task Force meeting
- Proposes electronic reporting
- Approves policy to support automatic application renewals
- Adopts Grant Rule regarding extension of time for counties who have not fully expended to expend grant funds
- Timeline for FY04 Formula Grant application and award process adopted
- Priority funding areas for FY04 Discretionary Grant program adopted
- Expenditure Reporting policy adopted
- Proposes to procure consultant to study and review the Public Defenders offices in Texas
- 4/27/03 CLE rules become effective
- 4/30/03 FY03 Formula Grant 2<sup>nd</sup> Quarter distribution

### **May 2003**

- 5/1/03 FY03 Mid-Year Expenditure Report due from counties who have not fully expended FY02 grant funds
- 5/7/03 Notification of intent to enter into consulting services contract regarding a study of Texas public defenders offices; request for finding of fact to Governor's Office of Budget and Planning and LBB
- 5/15/03 Launch of first e-Newsletter
- FY03 Discretionary Grant 1<sup>st</sup> Quarter Financial & Progress Reports due
- 5/22/03 Internal auditors visit and begin audit
- 5/29/03 E-newsletter published
- 5/31/03 FY03 Discretionary Grant 1<sup>st</sup> Quarter Reimbursement distribution



## June 2003

- 6/20/03 Internal auditors present preliminary report for review
- 6/25/03 3:00 p.m. deadline for offers for consulting services contract to study Texas public defenders offices
- 6/25/03 Site visits to Lee, Fayette, Colorado, Austin, Bastrop, Burleson, Waller, and Washington counties
- 6/27/03 Indigence Standards Workgroup/Policies and Standards Committee meets
- 6/30/03 Distribute on-line FY03 Formula Grant application/resolution process to counties

## July 2003

- 7/29/03 Policies and Standards Committee meeting
- 7/30/03 Grants and Reporting Committee meeting
- 7/30/03 Task Force meeting
  - Adopts amounts dedicated to formula and discretionary grants and authorizes staff to publish Requests for Applications (RFA) to counties
  - Application is made by counties using new automatic renewal with on-line application
  - Waiver of on-line application process established for those counties unable to apply on-line
  - Receive ideas and instructions to develop procedures for funding from State Bar fees and Surety Bond fees.
  - Receive internal audit report
- 7/31/03 Grant Training presented in collaboration with Governor's State Grants Team  
FY03 Formula Grant 3rd Quarter Distribution

## August 2003

- 8/1/03 Grant Training presented in collaboration with Governor's State Grants Team  
Post FTE monitoring position
- 8/4/03 Site visit (Hidalgo, Cameron)
- 8/5/03 S. TX region grant training presentation (Hidalgo)
- 8/14/03 N. TX region grant training presentation (Tarrant)
- 8/15/03 Task Force intern/special counsel pre-qualify counties for Discretionary Grant, which is in compliance with Task Force CLE rule for attorneys seeking appointments
- 8/15/03 Publish Discretionary Grant RFA  
FY03 Discretionary Grant 2<sup>nd</sup> Quarter Financial and Progress Reports due
- 8/19/03 W. TX region grant training presentation (Midland)
- 8/21/03 Site visit (Hopkins)
- 8/22/03 Site visit (Lamar)
- 8/27/03 Central TX region grant training presentation (Travis)
- 8/21/03 E-newsletter published
- 8/30/03 Close Formula Grant application period  
Begin Formula Grant follow-up for counties not applying  
Site visits to North Texas
- 8/31/03 FY03 Discretionary Grant 2<sup>nd</sup> Quarter Reimbursement distribution



## **APPENDIX B**

### **FY03 Budget – Revenues and Expenditures**



**FY03 BUDGET—Revenues/Expenditures**

<b>Budget Category</b>	<b>FY03 Total Expended</b>	<b>FY02 Comparative Total*</b>
Salaries and Wages	\$316,243.00	\$110,204.00
Other Personnel Costs	\$385.00	\$0.00
Benefit Replacement Pay	\$2,054.00	\$1,027.00
Payroll Related Costs	\$0.00	\$11,273.00
Professional Fees and Services	\$7,855.00	\$32,675.00
Computer/Programming Services	\$46,410.00	\$0.00
In-State Travel	\$11,295.00	\$3,205.00
Out-of-State Travel	\$0.00	\$0.00
Training	\$2,475.00	\$2,205.00
Postage	\$1,616.00	\$4,384.00
Materials and Supplies	\$18,181.00	\$30,310.00
Printing and Reproduction	\$5,079.00	\$2,847.00
Maintenance and Repairs	\$24.00	\$243.00
Telecommunications	\$3,421.00	\$8,795.00
Rentals and Leases	\$1,370.00	\$426.00
Other Operating Expenses	\$88,697.00	\$22,334.00
Formula Grant Payments	\$10,410,103.00	\$7,298,124.00 <sup>2</sup>
Discretionary Grant Payment	\$1,383,403.00	\$0.00
Capital Outlay	\$0.00	\$1,863.00
<b>Total</b>	<b>\$12,298,611.00</b>	<b>\$7,529,915.00</b>

<b>Method of Finance Category</b>	<b>FY03 Revenue Received</b>	<b>FY02 Revenue Received</b>
G.R. Dedication (SB 7) Revenue	\$11,513,490.00	\$9,267,633.00
7% Reduction	-\$835,800.00	\$0.00
<b>Net Revenue</b>	<b>\$10,677,690.00</b>	<b>\$9,267,633.00</b>
FY02 Carryover Revenue	\$1,737,718.00	(\$1,737,718.00)
FY03 Carryover Revenue	(\$116,797.00)	\$0.00
<b>Total</b>	<b>\$12,298,611.00</b>	<b>\$7,529,915.00</b>

<sup>2</sup>Actual grant amounts expended for FY02 total \$7,079,677 based on final reports submitted by counties as of November 1, 2003. The difference of \$218,447 must be refunded by counties receiving funds they were unable to expend during the grant period.



## **APPENDIX C**

### **FY03 Trainings and Presentations**



## FY03 TRAININGS AND PRESENTATIONS

*Task Force on Indigent Defense made presentations and provided technical assistance to over:over  
3,000 court officials and stakeholders*

Sponsor	Program Name	Date/Location	How many/Audience (approximate)	Length of program
Texas Association of Counties (TAC)	Fall Judicial Education Session	11/22/02 Lubbock	100 county judges	1.5 hours
		1/22/03 Lubbock	80 constitutional county judges	1.5 hours
		2/21/03 San Antonio	280 county and district judges	1.5 hours
		2/27/03 Austin	100 county court assistants	1.5 hours
		3/28/03 Lubbock	50 county judges	1.5 hours
TAC Texas County Judges & Commissioners Association	80 <sup>th</sup> Annual County Judges and Commissioners Association of Texas Conference	9/16/02 Odessa	80 county judges and commissioners	1 hour
TAC: Far West Texas County Judges and Commissioners Association	Annual Conference	10/3/02 Lajitas	60 county judges and commissioners	1 hour
Texas Center for the Judiciary	Faculty Development Workshop	10/24/02 Midland		
	Winter Regional Conference	1/28/03 San Antonio	9 presiding judges	.5 hour
	Winter Regional Conference	2/11/03 El Paso	9 presiding judges	.5 hour
State Bar's Legal Services to the Poor in Criminal Matters Committee; also, Equal Justice Center and National Legal Aid and Defenders Association, the Texas Criminal Defense Lawyers Association	Forum on Cost Effective Indigent Defense Systems in Texas; the forum brought together indigent defense leaders from around Texas and similar jurisdictions in the U.S. to discuss innovations and best practices in emerging indigent defense systems in Texas; it provided a very successful exchange of ideas about assigned counsel systems, public defender systems and contract defender systems; the success of this forum has generated an eagerness to conduct other similar forums throughout the state	9/17/02 Austin	140 judges, defense lawyers, public defenders, court administrators, policy makers, county representatives, bar leaders and other indigent defense leaders	6.5 hours
Task Force on Indigent Defense	Technical assistance, Grant Training, Central Region, Bryan Wilson	9/4/02 Austin	20 county officials	2 hours
	Technical assistance, Grant Training, Huntsville, Bryan Wilson	9/5/02 Huntsville	20 county officials	2 hours
	Technical assistance, Grant Training, Lubbock, Bryan Wilson	9/10/02 Lubbock	20 county officials	2 hours
	Technical assistance, Grant Training, Webb County, Bryan Wilson	9/24/02 Laredo	20 county officials	2 hours
	Technical assistance, Grant Training, Smith County, Bryan Wilson	9/26/02 Tyler	20 county officials	2 hours
	Technical assistance to Wichita Falls county re SB7 by Jim Bethke, Director, Task Force	9/30/02 Wichita Falls	30 county officials	6 hours
	Technical assistance to Dallas	10/3/02	20 county officials	4 hours



Sponsor	Program Name	Date/Location	How many/Audience (approximate)	Length of program
	county; Jim Bethke, Bryan Wilson; meet with Dallas officials	Dallas		
	Technical assistance to Wise county; Bryan Wilson provides grant application training	10/8/02 Decatur	20 county officials	2 hours
	Presentation to auditors' conference; Bryan Wilson	10/24/02 Corpus Christi	150 county auditors	2 hours
	Technical assistance; Bell County; Bryan Wilson presentation re grant program, expenditure reporting	11/19/02 Belton	20 county officials	2 hours
	Technical assistance; Waller County; Bryan Wilson assists to work through Contract Counsel Discretionary Grant Program	3/7/03 La Grange	2 county officials	
	Dallas Co. Mental Health Wheel roundtable with Texas Appleseed	4/17/03 Dallas	9 county officials	
Texas Independent Legal Studies (TILS)	Regional Fair Defense Act Seminar	9/19/02 Tyler	114 lawyers who accept court appointments in criminal matters	12 hours (including 3 hours of ethics)
TILS	Regional Fair Defense Act Seminar	10/3/02 Kerrville	40	Same as above
TILS	Regional Fair Defense Act Seminar	11/15/02 South Padre	61	Same as above
Texas District and County Attorney Association (TDCAA)	2001 Elected Prosecutor Conference – The Texas Fair Defense Act – Panel Discussion: Melissa Barlow, Bexar County Criminal District Courts Administrator, John Dahill, General Counsel, Conference of Urban Counties, Jim Bethke, Special Counsel, OCA	12/06/02 San Antonio	140 elected district and county attorneys	1 hour
TDCAA	2002 Annual Criminal and Civil Law Update – Update on SB7 and the State Task Force on Indigent Defense: Jim Bethke, Director of Task Force, Sharon Keller, Presiding Judge, Court of Criminal Appeals	09/25/02 South Padre Island	150 rural prosecutors	1 hour
Conference of Urban Counties (CUC)	Regular, ongoing presentations to CUC membership and Policy Committee	12+ CUC meetings	40 county judges and commissioners	
Texas Municipal Courts Education Center (TMCEC)	9 regional programs offered re SB7 – Jim Bethke, Wesley Shackelford presenting	10/17/02/2002 Tyler	50 court clerks	1 hour
		10/17/02 Tyler	50 court support personnel	1 hour
		11/1/02 Austin	150 municipal judges	1 hour
		1/24/03 San Antonio	125 municipal judges	1 hour
		2/21/03 Houston	100 municipal judges	1 hour
		3/4/03 Dallas	125 municipal judges	1 hour
		4/11/03 Lubbock	40 municipal judges	1 hour
		5/5-5/7/03 S. Padre	60 municipal judges	2 hours
		6/6/03 Midland	35 municipal judges	1 hour
Court Officials of Uvalde County, 38 <sup>th</sup> Judicial District,	Update and technical assistance re SB7 and Task Force on Indigent Defense – presented by Jim	11/15/02 Uvalde	70 county judges, court officials, defense attorneys, prosecutors	4 hours



Sponsor	Program Name	Date/Location	How many/Audience (approximate)	Length of program
Uvalde Bar Assn.	Allison, Jim Bethke, Bryan Wilson			
Rural Court Administrators Association (RACA)	Jim Bethke presentation to Court Administrators	4/9/03 Salado	47 rural court administrators	3 hours
V.G. Young Institute of Government, Texas A&M	31 <sup>st</sup> Annual Treasurers Conference; Presentation by Bryan Wilson	4/16/03 College Station	266 treasurers and their employees	1 hour
County Auditors Institute	Presentation by Bryan Wilson, Sharon Whitfield	5/14/03 Austin	80 county auditors	1 hour
Texas Justice Court Training Center (TJCTC)	Presentation by Jim Bethke	5/16/03 Corpus Christi	150 justices of the peace	2 hours
	Presentation by Wesley Shackelford	3/28/03 Austin	150 justices of the peace	2 hours
Texas Association for Court Administrators (TACA)	Presentation by Bryan Wilson	10/22/02 San Antonio	court administrators	1 hour



## **APPENDIX D**

### **FY03 Formula Grants**



## FY03 FORMULA GRANT AWARDS

**FY03 Formula Grant Award to Counties**  
**as adopted by the Task Force on Jan. 16, 2003**

County	Grant Award	County	Grant Award
Anderson	30,770	Carson	8,047
Andrews	11,081	Cass	19,234
Angelina	42,471	Castro	8,875
Aransas	13,987	Chambers	15399
Archer	9,140	Cherokee	26,819
Armstrong	5,858	Childress	8,595
Atascosa	20,431	Clay	9,397
Austin	16,031	Cochran	Did Not Apply
Bailey	8,083	Coke	6,544
Bandera	13,251	Coleman	9,318
Bastrop	31,997	Collin	234,920
Baylor	6,914	Collingsworth	6,499
Bee	20,132	Colorado	13,146
Bell	116,283	Comal	41,484
Bexar	656,372	Comanche	11,559
Blanco	8,363	Concho	6,584
Borden	5,291	Cooke	22,004
Bosque	13,045	Coryell	40,062
Bowie	46,761	Cottle	5,761
Brazoria	118,056	Crane	6,868
Brazos	76,274	Crockett	6,916
Brewster	8,542	Crosby	7,825
Briscoe	5,837	Culberson	6,188
Brooks	8,186	Dallam	7,910
Brown	22,617	Dallas	1,042,617
Burleson	12,702	Dawson	12,007
Burnet	20,968	Deaf Smith	13,680
Caldwell	20,055	Delta	7,491
Calhoun	14,655	Denton	207,472
Callahan	10,155	DeWitt	12,995
Cameron	161,761	Dickens	6,103
Camp	10,401	Dimmit	9,094



County	Grant Award	County	Grant Award
Donley	6,790	Haskell	7,849
Duval	10,241	Hays	50,635
Eastland	13,556	Hemphill	Did Not Apply
Ector	61,640	Henderson	39,266
Edwards	5,864	Hidalgo	271,296
Ellis	57,075	Hill	20,114
El Paso	322,809	Hockley	14,075
Erath	18,183	Hood	24,220
Falls	13,687	Hopkins	19,946
Fannin	19,610	Houston	15,842
Fayette	15,196	Howard	20,724
Fisher	6,735	Hudspeth	6,336
Floyd	8,104	Hunt	40,818
Foard	5,648	Hutchinson	Did Not Apply
Fort Bend	170,751	Irion	5,707
Franklin	9,422	Jack	8,501
Freestone	13,355	Jackson	11,730
Frio	11,492	Jasper	21,649
Gaines	10,779	Jeff Davis	5,882
Galveston	104,934	Jefferson	122,866
Garza	7,278	Jim Hogg	7,470
Gillespie	13,315	Jim Wells	23,390
Glasscock	Did Not Apply	Johnson	55,659
Goliad	7,768	Jones	13,303
Gonzales	12,442	Karnes	11,170
Gray	15,636	Kaufman	38,348
Grayson	56,717	Kendall	16,103
Gregg	57,084	Kenedy	Did Not Apply
Grimes	16,014	Kent	5,343
Guadalupe	46,629	Kerr	25,414
Hale	19,622	Kimble	7,089
Hall	6,511	King	Did Not Apply
Hamilton	8,848	Kinney	6,580
Hansford	7,511	Kleberg	19,753
Hardeman	6,887	Knox	6,699
Hardin	24,204	Lamar	27,680
Harris	1,595,202	Lamb	10,876
Harrison	34,044	Lampasas	12,096
Hartley	Did Not Apply	La Salle	Did Not Apply



County	Grant Award	County	Grant Award
Lavaca	Did Not Apply	Ochiltree	9,212
Lee	12,322	Oldham	6,022
Leon	11,126	Orange	38,943
Liberty	33,026	Palo Pinto	17,638
Limestone	15,312	Panola	15,642
Lipscomb	6,221	Parker	46,382
Live Oak	9,917	Parmer	9,684
Llano	11,809	Pecos	Did Not Apply
Loving	5,027	Polk	24,235
Lubbock	118,459	Potter	58,097
Lynn	7,617	Presidio	7,918
McCulloch	8,837	Rains	8,651
McLennan	104,846	Randall	53,779
McMullen	Did Not Apply	Reagan	6,329
Madison	11,051	Real	6,425
Marion	10,117	Red River	10,718
Martin	6,896	Reeves	11,143
Mason	6,493	Refugio	8,127
Matagorda	22,749	Roberts	5,354
Maverick	23,894	Robertson	11,392
Medina	23,379	Rockwall	25,146
Menard	5,943	Runnels	10,375
Midland	51,344	Rusk	27,152
Milam	14,683	Sabine	9,182
Mills	7,409	San Augustine	8,574
Mitchell	9,535	San Jacinto	15,403
Montague	13,940	San Patricio	36,396
Madison	11,051	San Saba	7,471
Marion	10,117	Schleicher	6,172
Martin	6,896	Scurry	12,651
Montgomery	142,374	Shackelford	6,544
Moore	14,409	Shelby	15,077
Morris	11,101	Sherman	6,273
Motley	5,570	Smith	86,698
Nacogdoches	32,685	Somervell	7,720
Navarro	26,101	Starr	26,411
Newton	12,048	Stephens	9,524
Nolan	12,390	Sterling	5,556
Nueces	151,669	Stonewall	5,676



County	Grant Award	County	Grant Award
Sutton	6,629	Waller	18,048
Swisher	8,347	Ward	10,101
Tarrant	681,291	Washington	19,204
Taylor	64,181	Webb	95,306
Terrell	5,506	Walker	33,879
Terry	10,968	Wharton	24,261
Throckmorton	5,865	Wheeler	7,111
Titus	18,149	Wichita	66,570
Tom Green	53,637	Wilbarger	11,863
Travis	384,844	Willacy	13,022
Trinity	11,444	Williamson	121,891
Tyler	13,338	Wilson	20,155
Upshur	21,503	Winkler	8,355
Upton	6,360	Wise	27,817
Uvalde	17,124	Wood	22,186
Val Verde	22,919	Yoakum	8,424
Van Zandt	24,231	Young	13,391
Victoria	44,322	Zapata	9,867
Walker	33,879	Zavala	Did Not Apply

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**10,800,000**

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**APPENDIX E**

**FY03 Discretionary Grants**



### FY03 Discretionary Grant Expenditures

County	Grant Proposal Title	Brief Description	Requested Grant Amount	Discretionary Grant Award Amount
Bell	Indigent Defense Computer Support	Purchase a laptop computer for the ID Coordinator to complete applications for indigency in the jail.	\$2,591.36	\$2,591.00
Cameron	Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$45,725.00	\$45,725.00
Collin	Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$80,349.00	\$80,349.00
Dallas	* Computers for Public Defenders	Purchase 54 computers for the PD attorneys.	\$142,245.00	\$142,245.00
	* Indigent Defense Coordinator	Provide ID process coordination between county courts, law enforcement, and attorneys.	\$75,153.20	\$75,153.00
	* Parent / Youth Advocate Attorney	Provide legal services to coordinate among PD attorneys, courts, and juvenile respondents and the parents of juvenile respondents.	\$87,027.00	\$73,950.00
Duval	Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$30,980.00	\$30,980.00
Fort Bend	Indigent Defense Coordinator Office	Provide ID process coordination between courts, law enforcement, and attorneys. Also purchased computers to assist judges in appointing the next attorney on the list.	\$220,784.00	\$142,958.00
Haskell	39th Dist Court /PT Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$9,561.04	\$9,561.00
Hidalgo	Indigent Defense Coordinator and VTC Program	Provide ID process coordination between courts, law enforcement, and attorneys. Also purchase a video teleconference system.	\$400,000.00	\$115,000.00
Lamar	ID System of NE Texas	Provide a contract investigator system to the court appointed attorneys.	\$267,234.00	\$21,000.00
Montgomery	Computer Programming	Improve ID case tracking and reporting.	\$56,823.00	\$56,823.00
Smith	Network and Imaging System	Provide a system to allow attorneys accepting appointments to have immediate access to court files on their clients.	\$161,393.00	\$145,000.00



<b>County</b>	<b>Grant Proposal Title</b>	<b>Brief Description</b>	<b>Requested Grant Amount</b>	<b>Discretionary Grant Award Amount</b>
Taylor	Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$36,938.80	\$36,938.00
Tom Green	Attorney - Client Video Teleconference network	Purchase a video teleconference system for magistration and confidential attorney client meetings.	\$42,480.00	\$42,480.00
Travis	Automated Intake Process	Improve data tracking and purchase equipment for applications of indigency.	\$398,860.00	\$150,000.00
Van Zandt	ID Administrator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$36,507.77	\$36,507.00
Waller	Waller County Contract Attorneys	Model contract appointment system.	\$52,401.00	\$52,401.00
Webb	Indigent Defense Coordinator	Provide ID process coordination between courts, law enforcement, and attorneys.	\$75,000.00	\$18,000.00
Wichita	Commitment to Justice - Phase II	Provide ID process coordination between courts, law enforcement, and attorneys.	\$400,000.00	\$103,242.00
Wise	Indigent Defense Grant Program - District Court	Develop tracking system to assist auditor in completing the annual report.	\$3,300.00	\$2,500.00
<b>Total</b>				<b>\$1,383,403.00</b>