



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Cameron County, Texas

FY2024 Indigent Defense Expenses

Final Report

June 2026

Table of Contents

EXECUTIVE SUMMARY	3
DETAILED REPORT	4
Background.....	4
County Background	4
Commission Background	4
Formula Grant	4
Objective.....	5
Scope	5
Methodology	5
Review Assessment.....	5
Statutory Data Reporting.....	5
Standard Attorney Fee Schedule and Payment Process	7
Findings and Recommendations	8
Statutory Data Reporting.....	8
Standard Attorney Fee Schedule and Payment Process	8
Conclusion	9
APPENDICES.....	10
Appendix A – Indigent Defense Expenditure Report.....	11
Appendix B – Criteria	12
Appendix C – Distribution List.....	13

EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (Commission or TIDC) is responsible for fiscal monitoring of Texas counties' indigent defense expenditures per Texas Administrative Code Subchapter D Sec. 173.401, which states:

The Commission or its designees will monitor the activities of grantees as necessary to ensure that Commission grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of grant agreements.

TIDC conducted an on-site fiscal monitoring review of Cameron County from August 11 through August 14, 2025. Email exchanges and phone calls continued until January 22, 2026. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants. TIDC reviewed the expenditure period of October 1, 2023, through September 30, 2024 (FY2024).

Summary of Findings

- The FY2024 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code §79.036(e) was not fully supported by the financial data provided.
- Cameron County juvenile judges approved attorney fee vouchers based on the felony fee schedule in contravention to the Cameron County Juvenile Board indigent defense plan.

These findings and associated recommendations are detailed in the following report.

TIDC thanks Cameron County officials and staff for their assistance in completing this review. TIDC stands ready to provide assistance to remedy these issues.

DETAILED REPORT

Background

TIDC selected Cameron County for a review through its annual county monitoring selection process, which considers county size, spending, date of last fiscal review (if any), and other reported indigent defense data. The selection process seeks to cycle through counties around the state.

This fiscal review covered the reports filed for FY2024.

County Background

Cameron County is the southernmost county in the U.S state of Texas. The county seat is Brownsville, Texas. The county was founded in 1848 and is named for Captain Ewen Cameron, a soldier during the Texas Revolution. The County has an estimated population of 424,254. Cameron County has a total area of 891 square miles, with 386 miles covered by water. The eastern portion of the county borders the Gulf of Mexico.

Cameron County is served by nine district courts and four county courts-at-law for criminal cases.

Cameron County uses the private assigned counsel system for adult indigent defense. It also operates a small public defender office to handle juvenile cases.

Total expenditures for criminal and juvenile delinquency indigent defense representation reported by Cameron County for FY2024 were \$2,964,179.

Commission Background

In January 2002, the Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the Legislature changed the agency's name to the Texas Indigent Defense Commission (TIDC), effective September 1, 2011. TIDC is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC's mission is to protect the right to counsel and improve indigent defense.

TIDC's purpose is to promote justice and fairness for all indigent persons accused of crimes, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. TIDC conducts these reviews based on the directive in Section 79.037, Texas Government Code, to "monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant..." as well as Section 173.401(a), Texas Administrative Code, which provides that "the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant."

Formula Grant

The County submitted the FY2024 indigent defense online grant application to assist in the provision of indigent defense services. Cameron County met the formula grant eligibility requirements and was awarded \$163,740 in Formula Grant funds for FY2024.

Improvement Grant

Cameron County was awarded \$127,650 in Improvement Grant funds for the third year of a four-year grant to fund the juvenile public defender's mental health expansion. Because the county reported program expenditures substantially less than its approved budget due to unfilled positions, only \$63,553 was disbursed.

Objective

The objectives of this review were to:

- Determine the accuracy of the Indigent Defense Expenditure Report (IDER) and any other grant report that may have been filed for the period of review.
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.
- Validate policies and procedures relating to indigent defense payments.
- Provide recommendations pertaining to operational efficiency.
- Assist with any questions or concerns on the indigent defense program requirements.

Scope

TIDC reviewed the County's criminal and juvenile delinquency indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2024. Family protection representation expenditures related to cases affecting the parent/child relationship, i.e., "CPS cases," were not part of this review.

The records reviewed were provided by the Cameron County Auditor's Office. Compliance with other statutory indigent defense program requirements was not included in this review.

Methodology

To accomplish the objectives, the fiscal monitor met with staff from the County Auditor's office and the pre-trial services office. The fiscal monitor reviewed:

- General ledger transactions provided by the County Auditor's Office.
- Random samples of paid attorney fee vouchers.
- The Indigent Defense Expenditure Report (IDER).
- Attorney fee schedule.
- Any applicable contracts.
- The County's local indigent defense plan filed with TIDC.

Review Assessment

Statutory Data Reporting

Under Section 79.036(e) of the Texas Government Code, the county auditor (or other person designated by the commissioners court if the county does not have an auditor) must annually prepare and send indigent defense data to TIDC. This data must include the total expenses for cases in which an attorney was appointed for an indigent defendant or indigent juvenile respondent in each district court, county

court, statutory county court, and appellate court. Financial data reports must include attorney-level information¹ and shall be prepared in the form and manner prescribed by the Commission.²

To determine the accuracy of the IDER, TIDC requested the general ledger transactions Cameron County used to prepare the IDER and received two Excel files. The first file included the general ledger of attorney fee payments for the district courts, and the second file included the general ledger of attorney fee payments for the county courts-at-law.

The district courts ledger included 7,721 lines of data and totaled \$1,647,520.29 in debit entries. The county courts-at-law ledger included 8,656 lines of data and totaled \$1,181,247.63 in debit entries. The total attorney fee expense reported for the courts was \$1,913,829. Additional files were provided that supplied the breakout of each general ledger to the individual courts for the IDER report. With the use of the additional files, TIDC was able to attribute the difference of \$914,938.92 to attorney fees for non-criminal cases and accrual entries.

In addition to the attorney fees, the court reports listed expert expenses in two district courts in the amount of \$20,762.50. The support for these expenses was sufficient to verify the dollar amount reported. Therefore, TIDC was able to verify the support for the court report section on the IDER.

However, in addition to the court report cost for the appointed attorney cases, the IDER seeks to capture all the indigent defense costs paid by the county, which includes costs to operate the public defender office. The IDER includes an addendum to report the cost of the public defender office. The amount of expenses reported for the public defender office only included salary and benefit costs for one attorney position. TIDC is aware from quarterly improvement grant reports, however, that the program also included a paralegal and a social worker, positions partially funded by a TIDC grant. The office may also have employed a second attorney for part of the year. The amounts reported in the quarterly improvement grant reports were for salary and benefits for a social worker, an administrative support position, and for some equipment purchased. These public defender expenses should have been included in the annual IDER.

The IDER Manual instructs counties to include all indigent defense expenses on the IDER, including expenses that are covered in part or in full by TIDC Improvement Grants. “Improvement Grant-funded public defenders or grant-funded departments within public defender offices will report all data in the Indigent Defense Expenditure Report (IDER). Counties funded by direct client service improvement grants will report on both the state-funded portion and the county-funded portion on the form below. All case count data will be reported on the IDER by the court. All investigative, expert witness, and other direct litigation costs associated with public defender work will be reported in the PDO administrative form. Grant-funded programs will continue to demonstrate activity by quarter in their grant reports to substantiate improvement grant payments.”

The IDER understated the County’s criminal indigent defense expenditures due to the exclusion of these eligible costs. This means the FY2025 Formula Grant for Cameron County may have been less than what would have been authorized if reported with the eligible expenses. Please refer to page 83 of the FY24 Indigent Defense Expenditure Report Procedure Manual:
<https://www.tidc.texas.gov/media/loafunqc/fy2024-ider-manual.pdf>

¹ TEX. GOV’T CODE § 79.036(a-1).

² TEX. GOV’T CODE § 79.036(e)

Standard Attorney Fee Schedule and Payment Process

Article 26.05(b) of the Texas Code of Criminal Procedures (CCP) reads in part:

All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county...

Article 26.05(c) of the Texas Code of Criminal Procedures (CCP) reads in part:

Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.05(c) of the code of criminal procedure, if the requested amount is not approved, the judge must make written findings explaining the difference. No payment may be made to the attorney without a signed order approved payment.

To evaluate compliance with the above statute and other related policies and procedures, a random sample of 44 attorney fee vouchers was selected to perform attribute testing.

The ten attributes tested were:

- 1) Is the voucher for an allowable expense?
- 2) Was the voucher submitted by the attorney?
- 3) Is the payment related to a criminal matter?
- 4) Is more than one case presented on the voucher? If yes, does the county have a method for accurately tracking case counts to ensure all cases are reported?
- 5) Does the voucher itemize the service performed?
- 6) Is the court identified on the voucher?
- 7) Are the fees paid consistent with the published fee schedule?
- 8) Is the voucher paid within 60 days of submission?
- 9) Is the voucher approved by the judge?
- 10) If the judge does not agree with the amount requested, is a written explanation provided for the changed amount?

The review of the 44 attorney fee vouchers selected found that four attorney fee vouchers paid for juvenile cases were not paid based on the fee schedule established by the Juvenile Board. In Cameron County, the district courts and county courts share the same indigent defense plan, while the juvenile courts have a separate plan and fee schedule. For the period under review, the attorneys representing juvenile cases appeared to submit the district court and county court-at-law fee vouchers to the juvenile judge for approval. So, while the juvenile judge was approving the vouchers as submitted, the rate of pay listed on the district and county fee voucher was higher than the juvenile fee schedule approved by the Juvenile Board. Therefore, the fees approved for the juvenile cases were not paid consistently with the published fee schedule for juvenile cases.

Findings and Recommendations

Statutory Data Reporting

Finding

The FY2024 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code §79.036(e) was not fully supported by the financial data provided. Specifically, expenses related to the mental health expansion of the juvenile public defender office were not included in the public defender addendum portion of the IDER.

Recommendation

Cameron County should report all the expenses incurred in each fiscal year for the public defender office on the annual IDER.

Cameron County Action Plan:

Cameron County will implement the following procedures to ensure all indigent defense expenses are reported on the annual IDER:

- All TIDC grant cost centers will be updated to include “TIDC” in its title/cost center name.
- The Auditors Office Grants Division will be involved to ensure all TIDC grants are included.
- Continually review procedures to ensure all expenditures that are covered in part by TDIC Grants are reported.

Contact Person(s): Lorena Hernandez, CPA, County Auditor.

Completion Date: June 1, 2026.

Standard Attorney Fee Schedule and Payment Process

Finding

Article 26.05(b) of the Texas Code of Criminal Procedures (CCP) reads in part: “All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county...”

While Cameron County judges have approved fee schedules and provided forms for the attorneys, it appears that attorneys working juvenile cases during the period under review were submitting the vouchers approved for the district and county courts. The fee schedule is listed on these vouchers, and the rate of pay is higher than the rate of pay on the juvenile case fee schedule. With the fee schedule listed on the voucher, it is understandable that the vouchers passed the approval process. However, juvenile judges who approve the vouchers should be cognizant of the fee schedule approved by the Juvenile Board for their court.

Recommendation

Cameron County should develop a procedure that trains judges and county personnel on the various differences among the courts and the distinct fee schedules that cover adult and juvenile cases to ensure that approval of vouchers is consistent with published fee schedules.

Judges should review the fee schedules and take formal action, if necessary, to adopt a new fee schedule that is consistent with current payment practices in accordance with the requirements of CCP Article 26.05(b). Approved payments should be consistent with the adopted fee schedule.

Cameron County Action Plan:

Cameron County will implement the following procedures to ensure attorney fee vouchers are paid in accordance with the published fee schedule:

- The Cameron County Juvenile Board adopted a ***Juvenile Schedule of Fees*** on April 1, 2025.
- The ***Juvenile Schedule of Fees*** for Juvenile Courts will be posted online to the Cameron County website.
- The current *Schedule of Fees & Guidelines* on the Cameron County website will be updated to be titled “***Adult Schedule of Fees & Guidelines***” for further clarification.
- Pre-Trial Department will email each respective district judge the appropriate fee schedules (***Adult Schedule of Fees & Guidelines*** and/or ***Juvenile Schedule of Fees***) quarterly.

Contact Person(s): Priscilla Guajardo, Pretrial Services Director.

Completion Date: June 30, 2026

Conclusion

TIDC appreciated the professionalism and assistance of Cameron County officials and staff.

TIDC staff stand ready to provide technical and financial assistance to remedy these issues and ensure full compliance with the Fair Defense Act.

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APPENDICES

Appendix A – Indigent Defense Expenditure Report

Cameron County Indigent Defense Expenditures			
Expenditures	2022	2023	2024
Population Estimate	421,254	424,884	431,805
Juvenile Assigned Counsel	\$0	\$40,525	\$127,981
Capital Murder	\$0	\$89,600	\$0
Adult Non-Capital Felony Assigned Counsel	\$862,858	\$1,420,879	\$947,114
Adult Misdemeanor Assigned Counsel	\$680,060	\$1,013,623	\$728,630
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$0	\$8,425	\$110,104
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$0	\$0	\$0
Expert Witness	\$15,850	\$2,500	\$20,763
Other Direct Litigation	\$5,438	\$4,392	\$0
Total Court Expenditures	\$1,564,206	\$2,579,943	\$1,934,591
Administrative Expenditures	\$123,447	\$191,996	\$127,433
Limited Scope representation	\$65,871	\$130,300	\$156,405
Total Public Defender Expenditures	\$127,931	\$157,754	\$97,606
Total Court and Administrative Expenditures	\$1,815,584	\$2,929,693	\$2,159,631
Formula Grant Disbursement	\$184,755	\$179,947	\$163,740
Reimbursement of Attorney Fees	\$50,484	\$59,750	\$64,624
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	322	186	361
Total Assigned Counsel Cases	3,581	5,831	3,311

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Appendix B – Criteria

Criteria

- Texas Grant Management Standards
- Texas Government Code, Section 79.036, Indigent Defense Information
- Texas Government Code, Section 79.037, Technical Support; Grants
- Code of Criminal Procedure, Art 26.04, Procedures for Appointing Counsel
- Code of Criminal Procedure, Art 26.05, Compensation of Counsel Appointed to Defend
- Texas Administrative Code – Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.1
- Texas Administrative Code – Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.2
- Texas Administrative Code – Title 1, Part 8, Chapter 174, Subchapter B
- FY2024 Indigent Defense Expenditure Report Manual found at:
<https://www.tidc.texas.gov/media/loafunqc/fy2024-ider-manual.pdf>

Appendix C – Distribution List

The Honorable Eddie Trevino, Jr.
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etrevino@co.cameron.tx.us

The Honorable Benjamin Euresti, Jr.
Local Administrative District Judge
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The Honorable Laura L. Betancourt
Local Administrative Statutory County Court
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The Honorable Janet Leal
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