



BUILDING A PUBLIC DEFENDER OFFICE: KEY DECISION POINTS

Building a public defender office requires several key decisions. This worksheet will help you. If you would like TIDC to draft a public defender office planning study, please (1) fill out this worksheet; (2) have one or more elected officials sign the request for a planning study on the last page; and (3) return this document to Kathleen Casey-Gamez (kcasey-gamez@tidc.texas.gov) or Scott Ehlers (sehlers@tidc.texas.gov).

A. REASONS FOR A PUBLIC DEFENDER OFFICE

1. Why does your county want to build a public defender office? (check all that apply)

- Improve the quality of representation
 - Save money on jail beds
 - Attract attorneys to our county/region
 - Increase accountability and oversight of the defense function
 - Improve court efficiency
 - Access TIDC sustainability funding for rural regional public defender offices
 - Other: _____
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B. GOVERNANCE AND LEADERSHIP

Who will serve on the public defender oversight board? Consider:

- An odd number of seats
- Between 5 and 11 seats
- Avoiding board members with conflicts (*e.g.*, sitting judges)

See TX Code of Criminal Procedure 26.045.

Potential Options:

- | | |
|--|---|
| <input type="checkbox"/> Commissioner's Court Representative | <input type="checkbox"/> Retired Judge |
| <input type="checkbox"/> Bar Association Representative | <input type="checkbox"/> Community Representative |
| <input type="checkbox"/> Public Defender from Another County | <input type="checkbox"/> University Professor |
| <input type="checkbox"/> Other (list below) | |

C. GOVERNMENT OR PRIVATE ENTITY

Should the public defender office be a government agency or nonprofit corporation?

Both are permissible under TX Code of Criminal Procedure 26.044. Select both options if you would like TIDC to model both.

- Government Agency
- Nonprofit Corporation
- Don't know. We would like to discuss with TIDC.

D. COUNTY OR REGIONAL OFFICE

1) Should the office provide representation in only one county, or should it operate as a regional program? What counties should be included?

2) What county should be the sponsor for a regional public defender office? (Sponsors serve as the program hub.)

3) What local officials must be consulted on this project? Consider commissioners court members, judges, attorneys, and community groups.

Note: TIDC provides ongoing 2/3rds funding for rural regional public defender offices operating in counties under 100,000 population.

Single County: _____

Regional (list counties below and circle the sponsor)

Local officials to consult on building a public defender office (please list names, titles, and email or phone):

E. CASE COMPOSITION

What proportion and types of cases should the office handle?

Note: If you would like the public defender office to handle all indigent defense cases except those where there is a conflict of interest due to co-defendants, write "100%" for the "% of overall appointed caseload" for each type of case the public defender office will provide representation. TIDC will calculate the percentage of cases that will not be represented by the public defender's office due to conflicts.

- | | | |
|--|----------------------------------|-------|
| <input type="checkbox"/> Misdemeanors | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Felonies | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Juvenile | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Mental Health | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Specialty Court | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Appeals | % of overall appointed caseload: | _____ |
| <input type="checkbox"/> Other | % of overall appointed caseload: | _____ |

F. STAFFING AND SALARIES

1. TIDC recommends pay parity with the county attorney and district attorney offices. Please provide salary schedules for those offices below or as an attachment to this document.

2. Please list the county fringe benefit rate below or as an attachment (healthcare, retirement, etc.).

If the office is a regional public defender office, please include the salary schedules and fringe benefit rates of the lead/sponsor county.

1a. Salary schedule of county attorney's office staff (below or attached):

1b. Salary schedule of district attorney's office staff (below or attached):

2. County fringe benefit rate (below or attached):

G. OPERATIONS

1. Is there existing physical space for a public defender office? If not, what is the estimated cost to lease or build out an office?

2. If a regional office is considered, where will the offices be located?

Existing physical space or estimated cost to lease or build out an office:

Proposed location(s) of office(s) for the public defender office.

OFFICIAL REQUEST FOR A PLANNING STUDY

I, _____, an elected official in
_____ County, formally request that the Texas
Indigent Defense Commission conduct a planning study on the feasibility of
a public defender office in my county.

Signature

Title

Date

Additional Elected Officials Submitting Request

Name

Title

Signature

Name

Title

Signature