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FOR IMMEDIATE RELEASE

June 15, 2026

Texas Indigent Defense Commission Approves Legislative Appropriations Request and Awards More Than \$40.5 Million in Grant Funding as Texas Marks 25th Anniversary of the Fair Defense Act

AUSTIN, TX — At its June 12 Board Meeting, the Texas Indigent Defense Commission (TIDC) approved the Exceptional Items to be included with its Legislative Appropriations Request (LAR) in preparation for the upcoming 90th Texas Legislature. TIDC also awarded more than \$40.5 million in grant funding to support indigent defense services across Texas. The Commission's LAR Exceptional Items seek to address the workforce, capacity, and resource challenges facing public defense systems statewide, including in child welfare representation. These actions come as Texas marks the 25th anniversary of the Fair Defense Act, the landmark legislation that established the Task Force on Indigent Defense, which was renamed the Texas Indigent Defense Commission in 2011.

Signed into law on June 14, 2001, the Fair Defense Act created the legal framework for Texas's indigent defense system and has driven significant improvements over the past 25 years, including expanded access to counsel, improved representation, increased accountability, and more attention paid to legal services for families involved in child welfare cases. Despite this progress, significant challenges remain. Since 2014, Texas has lost more than 1,600 attorneys providing criminal indigent defense services, particularly in rural and underserved communities. The percentage of attorneys who are overburdened has increased significantly over the past decade; attorneys are growing older and nearing retirement, but not being replaced by new attorneys willing to do this important work.

To address these needs and build on the Fair Defense Act's progress, the Commission approved the following LAR Exceptional Items for the two-year budget covering FY28-29:

- **Build the Public Defense Workforce Pipeline — \$8.85 million**
Expand internships, fellowships, law school partnerships, startup assistance, and legal incubator programs to recruit and retain the next generation of public defense attorneys, particularly in rural and underserved communities.
- **Fulfill TIDC's Family Protection Representation Mission — \$128.26 million**
Strengthen legal representation for parents and children involved in child welfare cases through expanded state support, including a grant program that would tie funding to improvements and help counties establish new offices focusing on representing parents or children in Child Protective Services cases. The State of Texas currently pays \$0 for this representation; 100% of funding currently comes from counties.
- **Stabilize and Modernize Existing Public Defense Systems — \$64.1 million**
Support competitive salaries, expand public defense capacity, invest in technology and innovation, and help local systems address growing demands, inflation, and rising operational costs.

- **Improve Rural Attorney Availability and Quality Through a Statewide Managed Assigned Counsel “Plus” Option — \$39.9 million**

Increase access to quality representation in smaller counties through an opt-in statewide managed assigned counsel model that increases attorney capacity and improves assigned counsel pay rates.

- **Add Six Full-Time Employees at TIDC to Implement Family Protection Representation Program, TIDC’s Core Programs, and Statewide MAC Support — \$1.3 million**

Provide the staffing needed to monitor county practices, oversee grants, and assist counties in accessing federal Title IV-E funding to improve public defense systems.

The Commission also approved over \$40.5 million in grant awards and amendments to support local public defense programs across Texas. The actions included over \$2.5 million in funding under the Temporary Assistance for Rural Programs grant program to reduce the county match requirements for existing rural regional public defender offices; over \$36.6 million to continue or expand existing programs, mostly directed at rural regional public defender offices; and \$1.4 million in grants for new programs. Grants for new programs include:

- **\$864,696 to Victoria County** for the Victoria Regional Alternate Public Defender, which will be operated by the Texas RioGrande Public Defender to handle conflict cases in Victoria, Jackson, Refugio, and Lavaca Counties and continue to serve as the primary public defender in Goliad County.
- **\$471,764 to Culberson County** to establish the Interprogram Director of Data and Logistics position that will improve the use of efficiency-building technology by the Far West Texas Regional Public Defender, hosted by Culberson County; the Concho Valley Regional Public Defender Office based in San Angelo and Abilene; and the North Hill Country Regional Public Defender Office hosted by Burnet County.
- **\$49,262 to Uvalde County** for an indigent defense coordinator.
- **\$38,837 to the Texas Criminal Defense Lawyers Association** to develop and operate a public defense Leadership Development Program.

“As attorney shortages continue to affect communities across Texas, particularly in rural areas, we must invest in strategies that strengthen the workforce and ensure local systems can continue providing quality representation,” said Nueces County District Judge Missy Medary, TIDC Board Chair and Presiding Judge of the 5th Administrative Judicial Region.

“The Fair Defense Act and the Legislature have helped Texas address the challenges of public defense systems in counties across the state, but many challenges remain,” said TIDC Executive Director Scott Ehlers. “To reduce attorney shortages, improve the quality of representation, and protect the Right to Counsel in every Texas County for the next 25 years, the TIDC Board is requesting these additional resources from the Legislature.”

TIDC’s Legislative Appropriations Request will be submitted to the Office of the Governor’s Budget Division and the Legislative Budget Board in August for development of the FY28/29 state budget. Additional information about the Commission’s Legislative Appropriations Requests is available in TIDC’s Legislative Appropriations Request materials (<https://tidc.texas.gov/about-us/tidc-at-the-legislature/tidcs-legislative-appropriations-request-lar/>).

About TIDC

The Texas Indigent Defense Commission funds, oversees, and improves indigent defense in each of the State’s 254 counties. TIDC is led by 14 commission members and 21 staff. To learn more, visit www.tidc.texas.gov.

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