

Texas Indigent Defense Commission

ANNUAL REPORT FOR FISCAL YEAR 2022
(SEPTEMBER 2021-AUGUST 2022)



FY22 Board Members:

Honorable Sharon Keller, Austin, Presiding Judge, Court of Criminal Appeals (Chair)

Mr. Alex Bunin, Houston, Chief Public Defender, Harris County Public Defender's Office

Honorable Nicole Collier*, Fort Worth, State Representative

Honorable Valerie Covey, Georgetown, Williamson County Commissioner

Honorable Brandon Creighton, Conroe, State Senator

Honorable Richard Evans, Bandera, Bandera County Judge

Honorable Nathan L. Hecht, Austin, Chief Justice, Supreme Court of Texas

Honorable Missy Medary, Corpus Christi, Presiding Judge, 5th Administrative Judicial Region

Honorable Andrew Murr*, Kerrville, State Representative

Honorable Sherry Radack*, Houston, Chief Justice, First Court of Appeals

Mr. Gonzalo Rios, Jr.*, San Angelo, Attorney, Gonzalo P. Rios Jr. Law Office*

Honorable Vivian Torres*, Rio Medina, Medina County Court at Law Judge (retired)

Honorable John Whitmire*, Houston, State Senator

*No longer on TIDC Board as of printing.

New Board Members or with New Position Since FY22:

Honorable Missy Medary, Corpus Christi, Presiding Judge, 5th Administrative Judicial Region (New Chair)

Mr. James D. "Jim" Bethke, San Antonio, Executive Director, Bexar County Managed Assigned Counsel Office (new position)

Mr. Jay Cohen, Houston, Attorney, Blass Law PLLC (replacing Gonzalo Rios, Jr.)

Honorable William W. "Bill" Gravell, Jr., Georgetown, Williamson County Judge (replacing Judge Vivian Torres)

Honorable Emily Miskel, McKinney, Justice, Fifth Court of Appeals (replacing Justice Sherry Radack)

Honorable Joe Moody, El Paso, State Representative (replacing Rep. Nicole Collier)

Honorable Reggie Smith, Sherman, State Representative (replacing Rep. Andrew Murr)

Honorable James R. "J.R." Woolley, Jr., Waller, Justice of the Peace (new position)

TIDC Directors

Scott Ehlers Executive Director

Edwin Colfax, Director of Grant Funding

William Cox, Director of Public Defense Improvement

Dr. Sarah Gammell, Research Director

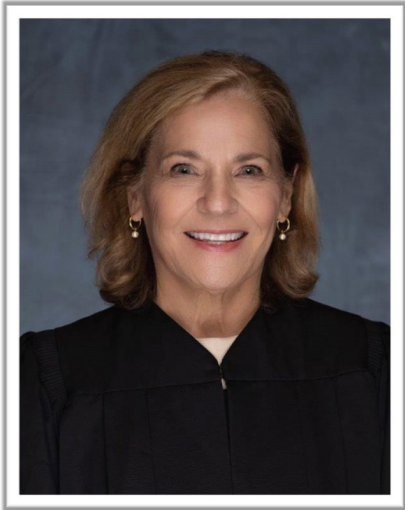
Crystal Leff-Pinon, Director of Family Protection Representation

Wesley Shackelford, Deputy Director

Mission: Protecting the right to counsel, improving public defense.

TABLE OF CONTENTS

Chair's Letter	04.
Message from the Director	05.
Legislation	08.
Funding	09.
Oversight	14.
Improvement	20.
Family Representation	21.
Operation Lone Star	22.
Appendix A: Formula Grant Disbursements	23.
Appendix B: Improvement Grant Awards and Disbursements	26.
Appendix C: Operating Budget	30.
Appendix D: Method of Finance	32.
Appendix E: Selected Training and Presentations	33.



FY22 Chair's Letter

Governor Greg Abbott
Lieutenant Governor Dan Patrick
Speaker of the House Dade Phelan
Chief Justice Nathan Hecht
Texas Judicial Council

Ladies and Gentlemen:

It is our privilege to submit this report regarding the state of indigent defense and the accomplishments of the Texas Indigent Defense Commission (TIDC) in fiscal year 2022. TIDC and Texas counties continued to develop new ways to uphold Texans' constitutional right to counsel in criminal cases and addressed court case backlogs from the COVID-19 pandemic. We continued to improve processes and expand programs that deliver effective and efficient legal representation to people who cannot afford it.

The ongoing support of the Governor and Legislature are critical to our success. We appreciate all you do to support TIDC.

Sincerely,

A handwritten signature in blue ink that reads "Sharon Keller". The signature is written in a cursive, flowing style.

Sharon Keller
FY22 Chair, Texas Indigent Defense Commission



Message from the Director

In FY2022, TIDC sustained and improved public defense in Texas by awarding \$20.5 million in Formula Grants and \$57 million in Improvement Grants, including grants made possible with federal American Rescue Plan Act (ARPA) funds and grants made possible with funds for Operation Lone Star. TIDC monitored 30 counties and collected data from all 254 counties. We also collected data and completed the first-ever child protection case expenditure and judicial plan data report for the Texas Judicial Council. Additionally, TIDC continued to work with state and local officials to provide representation to individuals arrested in connection with Operation Lone Star.

While much progress was made in FY22 addressing the COVID backlog and building more rural public defense capacity, there's still more work to do to ensure that high quality, cost-effective representation is provided to all those who can least afford it in Texas. We look forward to working with the Legislature and counties to improve the indigent defense system in the years to come.

Sincerely,

A handwritten signature in black ink that reads "Scott Ehlers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Scott Ehlers
Executive Director
Texas Indigent Defense Commission

Key Achievements in FY22



Awarded over \$77 million to help provide public defense services.

Funding, p. 10-11.



Monitored legal and fiscal processes in 30 counties to ensure compliance with state law.

Oversight, p. 15.



With TIDC funding, 10 additional counties have new public defender programs.

New Grant-Funded Programs, p. 13

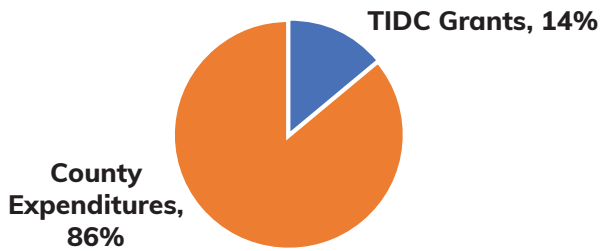


Completed the first-ever child protection case expenditure and judicial plan data report.

Family Protection, p. 21.

TIDC is improving indigent defense...

FY22 Data Snapshot

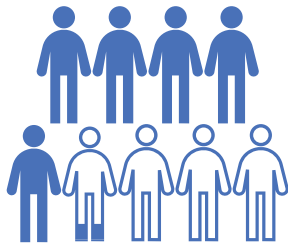


TIDC grant disbursements offset **14%** of total reported indigent defense expenditures in FY22. (p. 10)

152
complaints



Submitted to TIDC about indigent defense practices and poor attorney performance in FY22. (p. 16)



52% of misdemeanor cases did not have counsel in counties with a population under 50,000. (p. 18)

128
counties

reported spending **\$0** on indigent defense investigation. (p. 19)

...but there is still more work to be done.



Budget

In November 2021, the 87th Legislature (Third Called Session) appropriated TIDC an additional \$13.9 million in federal ARPA funds, which were used for grants to counties to add new indigent defense capacity in counties with pandemic-related case backlogs.

In August 2022, TIDC submitted its Legislative Appropriations Request (LAR) for the FY24/25 biennium. It included two exceptional items:

1. \$50 million in general revenue so TIDC can build rural defender offices in dozens of rural Texas communities; and
2. Allow for six additional TIDC employees to ensure compliance with state and federal law.

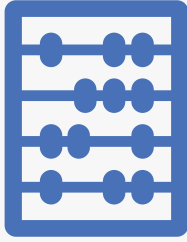
The additional funds were requested to help counties struggling to provide constitutionally guaranteed defense counsel because of the dwindling number of attorneys in rural Texas. Rural regional public defender offices are an effective solution, attracting attorneys to rural areas, but demand for these offices exceeded TIDC funds.

Bills

In FY22, TIDC led a workgroup of over 30 stakeholders to develop legislative proposals for improving indigent defense. Ten proposals were approved by TIDC's board:

1. Provide managed assigned counsel programs access to DPS' criminal history information
2. Clarify duties of managed assigned counsel programs
3. Reimburse counties for representation provided by a public defender's office to represent an indigent inmate when the State Counsel for Offenders cannot do so
4. Shield confidential defense investigation of client finances
5. Allow for limited scope magistration appointments
6. Allow for part-time magistration public defenders
7. Appoint attorneys to investigate habeas corpus writs
8. Clarify duties of magistrates and preserve magistration forms
9. Reimburse attorneys for distant client visits
10. Add two members to TIDC's board: (a) managed assigned counsel program director and (b) magistrate who regularly presides over Article 15.17 "magistration" hearings

TIDC's full legislative appropriations request and bill proposals are on its website.



tidc.texas.gov/**Funding**

To promote compliance with the Fair Defense Act and build more efficient and effective systems, TIDC tracks indigent defense expenditures, provides funding to counties through formula and improvement grants, and contracts with innocence projects.

Indigent Defense Expenditures

In FY22 Texas counties reported spending \$342 million on indigent defense¹, a 26% increase from the previous year. This surpasses pre-pandemic indigent defense spending levels.

Reported non-county spending on indigent defense included:

- Regional Public Defender Office LGC (a local government corporation) spent \$4,347,467 (\$6,616,021 less \$2,268,554 in county contributions received).
- Texas Tech Caprock Public Defender spent \$181,518 (\$197,418 less \$15,900 in county contributions received).
- Lubbock Private Defender Office (LPDO) spent \$10,329,027 for Operation Lone Star indigent defense.
- Texas Rio Grande Legal Aid (TRLA) spent \$252,434 for Operation Lone Star indigent defense².

Total reported indigent defense expenditures (county + non-county) for FY2022 was **\$357.2 million**³.

TIDC disbursed **\$51 million** in indigent defense grants to all grantees, offsetting approximately 14% of reported indigent defense costs statewide. Pending grant award obligations totaled \$35.9 million.

¹ Gross reported county expenditures less county-to-county reimbursements for regional programs.

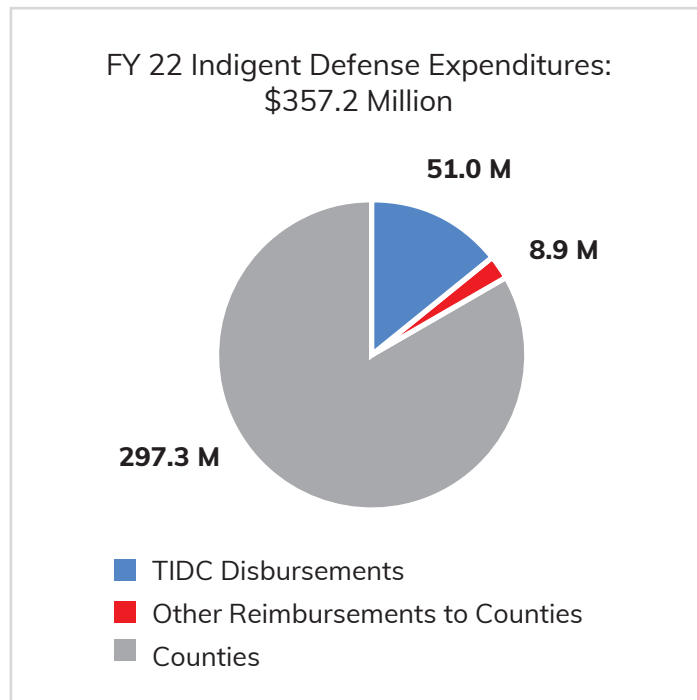
² Additional TRLA expenditures for OLS occurred under the umbrella of Lubbock Private Defender Service as a sub-contractor for the OLS Indigent Defense Program funded by TIDC.

³ Does not include the Office of Capital and Forensic Writs or the State Counsel for Offenders, two state agencies that provide indigent defense.

In addition to TIDC grants, counties reported receiving the following reimbursements for indigent defense costs:

- From defendants: \$8.7 million
- From the Texas Comptroller for writs of habeas corpus in death penalty cases: \$0
- From non-TIDC government funds: \$185,422

Figure 1: FY22 Indigent Defense Expenditures

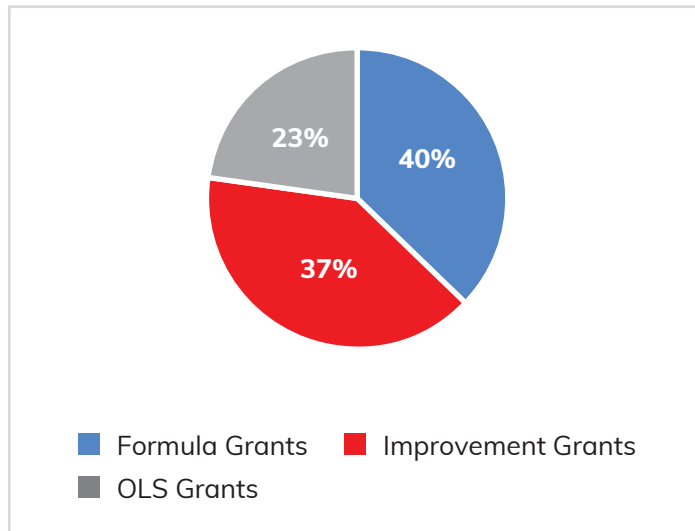


Formula Grants

Formula grants provide statewide support for indigent defense and are awarded annually to all qualifying counties. Amounts are based on a county's percentage of state population and indigent defense expenses. In FY22, TIDC awarded **\$20,500,000** in formula grants to 254 counties, representing 40% of total grants disbursed.

Formula grant disbursements for FY22 are listed in Appendix A.

Figure 2: FY22 Grant Awards



Improvement Grants

Improvement grants develop and sustain programs, encourage innovation, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY22, TIDC awarded 53 new or continuing program grants, totaling **\$57 million**. TIDC disbursed \$23.2 million of those awards as of the end of FY 2022, with an additional \$32 million in award obligations that were pending and which TIDC began distributing in FY 2023.

Improvement grant awards and disbursements for FY22 are listed in Appendix B.

Improvement Grant Highlights

- Regional Public Defender Offices

TIDC provides sustainability funding covering 2/3 of counties' costs for participating in rural regional public defender programs, ensuring reliable access to quality counsel in these areas. In FY22, TIDC awarded **\$196,494** to non-capital regional defender offices and **\$4.7 million** to the Regional Public Defender Office (RPDO) for Capital Cases, which served 186 small- and mid-sized counties. **Additionally, most regional public defender programs eligible for Sustainability Grants in FY22 were funded with FY21 budget year funds totaling \$8,467,104.**

- Mental Health Public Defense

During the 86th Session, the Legislature directed TIDC to award **\$5 million** per biennium to mental health defender offices. In FY22, TIDC awarded these grants to public defenders and managed assigned counsel programs in Bexar, Cameron, Dallas, El Paso, Galveston, Harris, McLennan, Webb, and Wichita Counties. These specialized programs identify clients' unmet mental health needs and advocate for outcomes that link them with services, treatment, and support that help them succeed in the community.

Innocence Project Contracts

TIDC funds innocence projects at six public law schools in Texas, providing up to \$100,000 annually to each school. Law students work under attorney supervision to review actual innocence claims from incarcerated individuals. Reports are available on TIDC's website at: tidc.texas.gov/funding/innocence-projects.

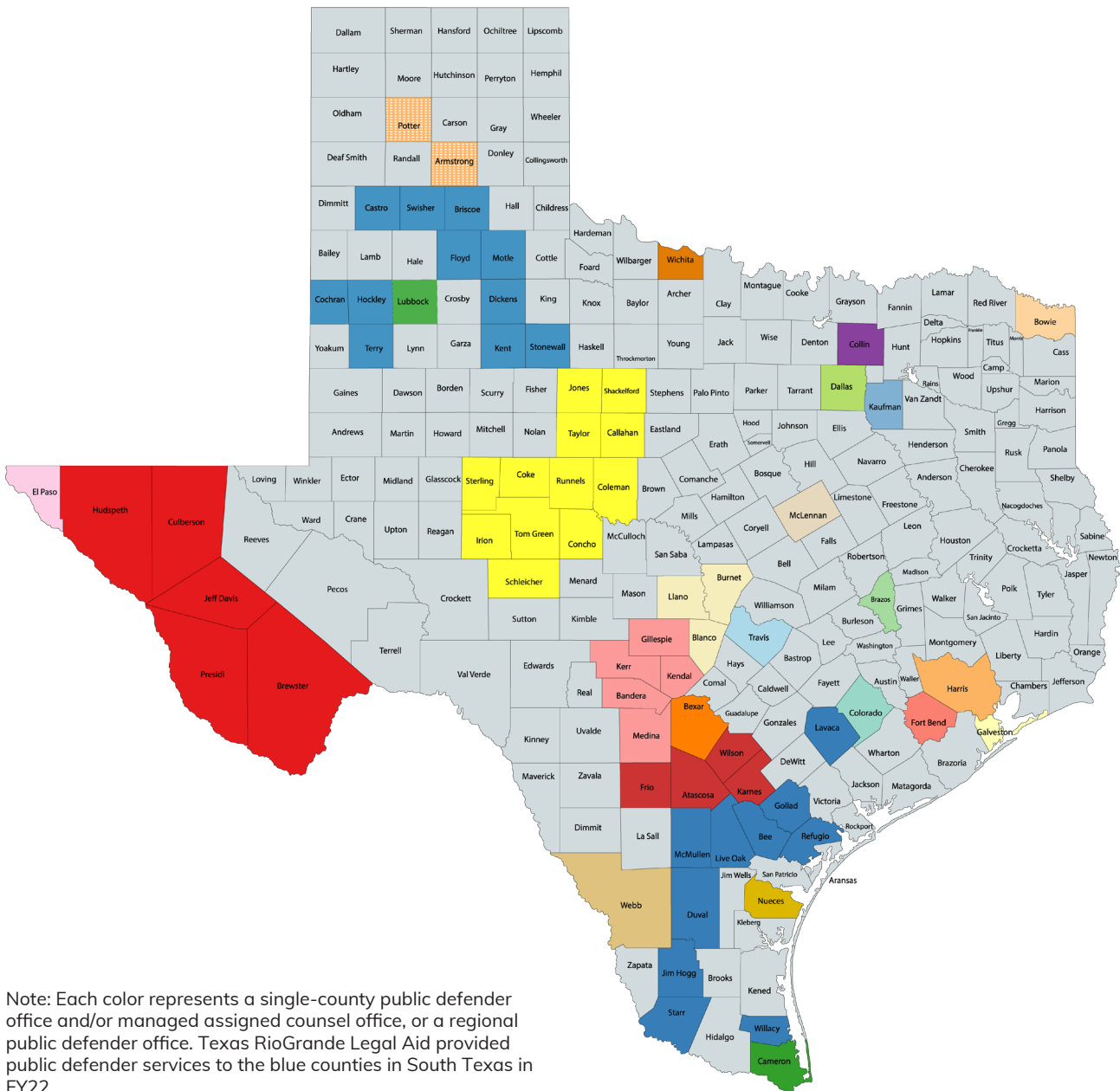


New Grant-Funded Programs

71 counties have a public defender office (PDO), managed assigned counsel (MAC) program, or both. **10 counties** have new PDOs or MACs funded by TIDC grants during FY22. Callahan, Coleman, Jones, Shackelford, and Taylor Counties were added to the Concho Valley Public Defender's Office; Potter and Armstrong Counties established the Potter & Armstrong County Public Defender/Managed Assigned Counsel Office; and Bexar County began operating its Managed Assigned Counsel Office. Grants for new public defender offices in Brazos and Nueces Counties were funded under an appropriation from the Legislature of federal American Rescue Plan Act (ARPA) funds.

A full list of PDOs and MACs is at tidc.texas.gov/improvement/system-building/.

Public Defender and Managed Assigned Counsel Offices Operating or Funded in FY 22





tidc.texas.gov/Oversight

TIDC oversees indigent defense processes across Texas by reviewing data from all 254 counties and conducting on-site reviews in targeted counties. Complaints can trigger further review.

Figure 3: TIDC Oversight Model

	Fiscal	Policy
Breadth	Indigent Defense Expenditure Reports	Indigent Defense Plans
Depth	Fiscal Monitoring Reviews	Policy Monitoring Reviews

Fiscal Monitoring

Indigent Defense Expenditure Reports

County auditors and treasurers are required by the Fair Defense Act to submit indigent defense expenditure reports (IDERs) to TIDC each year. TIDC reviews each county's report.

IDERs provide some of the best indigent defense data in the nation, driving indigent defense policy and funding decisions. Full reports are available at tidc.tamu.edu/public.net.

Fiscal Monitoring Reviews

To accurately inform policy- and grant-making decisions, TIDC monitors whether counties' indigent defense expenses are documented in compliance with Texas statutes and rules. Counties are selected for a monitoring review based on objective risk assessment scores and geographic distribution.

In FY22, TIDC opened 6 fiscal monitoring reviews. Reports are available at tidc.texas.gov/oversight/. Common findings included:

- Reports not prepared in the manner required
- Attorney fee vouchers were not itemized vouchers submitted by the attorney to the judges
- Attorney payments did not follow the fee schedule

Figure 4: FY22 Fiscal Monitoring Reviews Opened

Fiscal Reviews		
Fisher	Midland	Travis
Scurry	Galveston	Wichita

Policy Monitoring

Indigent Defense Plans

Criminal court judges and juvenile boards are required by the Fair Defense Act to submit countywide indigent defense plans to TIDC each odd-numbered year. In FY22, TIDC continued its review of each county's plans, ensuring that they follow state statutes and rules for appointing counsel. Plans are available at tidc.tamu.edu/public.net.

Policy Monitoring Reviews

TIDC monitors whether counties follow their plans and the Fair Defense Act. Counties are selected for a monitoring review based on objective risk assessment scores and geographic distribution, or at the request of a local official or complaint.

In FY22, TIDC continued reviews online, collecting records and observing court remotely, and began reviews in-person again. It conducted policy monitoring reviews in **30 different counties and issued 13 reports**, available at tidc.texas.gov/oversight/.

Common findings included:

- Requests for counsel were not promptly transmitted to the appointing authority
- Requests for counsel were not ruled on or ruled on late
- Appointments for juveniles were not timely when the juvenile had been released from custody
- Indigence was determined improperly.



Kristen Meeks and Joel Lieurance at Wharton County for policy monitoring review.

Figure 5: FY22 Policy Monitoring Reviews Issued and in Progress

Full-Scope Reviews (covering six core FDA requirements)		
Bastrop*	Bell	Brazoria*
Parker*	Taylor*	Tom Green*
Williamson*		
Limited-Scope Reviews (covering some FDA requirements)		
Kinney*		
Follow-up Reviews (covering issues from previous review)		
Bosque*	Chambers	Collin*
Comanche*	Fisher	Fort Bend*
Galveston	Jefferson	Maverick*
Midland	Scurry	Travis
Wharton	Zavala*	
Drop-in Reviews (informal review)		
Archer	Clay	Dickens
Floyd	Garza	Mason
San Saba	Wilbarger	
* Report Issued during FY22		

Complaints

In FY22, TIDC received **152 complaints** related to local indigent defense practices. Common complaint allegations included:

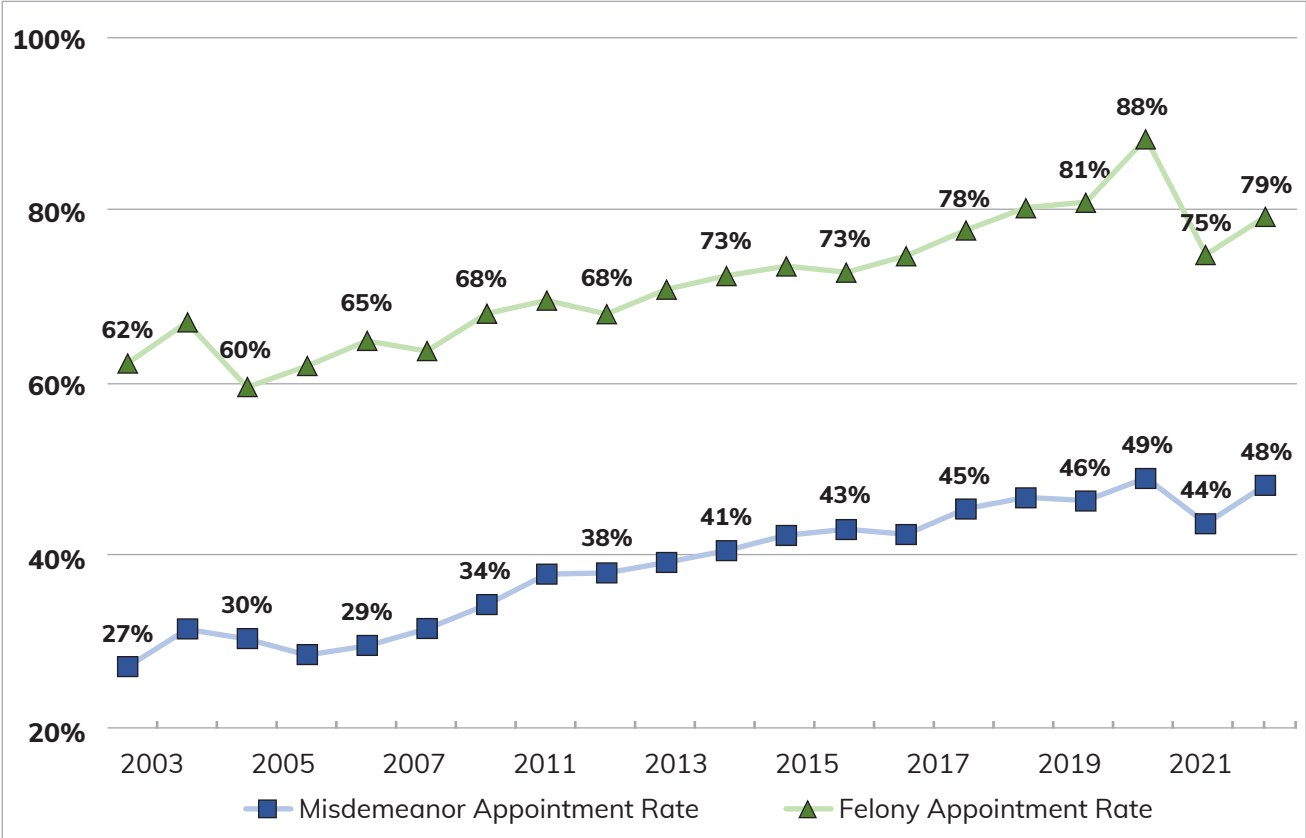
- Attorneys were not speaking to clients
- Attorneys were not investigating cases or advocating for their clients
- Defendants complained about the right to affordable bail, including being held in jail beyond Code of Criminal Procedure Article 17.151 deadlines.



Olivia Lee on a policy monitoring trip in Archer County.

Indigent Defense Appointment Trends

Figure 6: Estimated Appointment Rates by Fiscal Year^{4, 5, 6}



4 Appointment rates are calculated by the following formula:

Cases in Which Attorneys were Paid / Total Cases Disposed.

5 FY2022 data excludes Operation Lone Star cases paid but does not exclude Operation Lone Star cases disposed. This has the effect of understating FY2022 appointment rates by a small amount.

6 FY2020 and FY2021 data were affected by COVID-19 when fewer cases were disposed in the courts.

Figure 7: Estimated Misdemeanor Uncounseled Rates^{7, 8, 9}

Fiscal Year	Statewide	Counties Under 50k Pop.	Counties Between 50k & 250k Pop.	Counties Over 250k Pop.
FY 11	32.7%	70.3%	58.9%	18.4%
FY 12	28.1%	67.9%	53.8%	13.8%
FY 13	26.3%	68.2%	51.5%	11.1%
FY14	25.3%	65.2%	48.0%	11.6%
FY15	23.5%	63.4%	44.1%	10.7%
FY16	23.5%	60.5%	40.8%	12.0%
FY17	21.9%	58.9%	43.2%	9.4%
FY18	22.4%	57.9%	42.4%	10.0%
FY19	24.0%	55.0%	39.8%	13.6%
FY20	20.4%	54.5%	36.0%	8.7%
FY21	25.0%	58.7%	36.3%	15.5%
FY22	20.8%	52.0%	34.0%	11.4%



Joel Lieurence and Bill Wilcox at the Jefferson County Courthouse.

⁷ The number of pro se (uncounseled) dispositions can be estimated by the following formula:

$$\text{Pro Se Dispositions} = \text{Total Dispositions} - \text{Total Retained Cases} - \text{Total Cases in Which Attorneys were Paid}$$

⁸ FY2022 data excludes Operation Lone Star cases paid but does not exclude Operation Lone Star cases disposed. This has the effect of overstating FY2022 pro se rates.

⁹ FY2020 and FY2021 data were affected by COVID-19 when fewer cases were disposed in the courts.

FY22 Indigent Defense Caseloads

Under professional rules, attorneys must spend enough time on each case to perform their basic duties to clients. TIDC has weighted caseload guidelines at tidc.texas.gov/caseloads.

In FY22:

- Excluding Operation Lone Star cases, a total of 4,865 attorneys were reported to have been paid for one or more indigent defense cases. Of these, **832 attorneys** (17% of attorneys) had appointed caseloads above the guidelines.¹⁰ Attorneys with caseloads above the guidelines:
 - Provided representation in appointed cases in **231 counties** (91 % of counties).
 - Handled **54%** of appointed felony, misdemeanor, or appeals (220,952 of 405,823 cases).
- Five attorneys had caseloads greater than **5 times** the guidelines. Sixty-one attorneys had caseloads greater than **3 times** the guidelines.
- The median indigent defense caseload was 30% of the guidelines.

The above counts do not include juvenile and capital defense cases, retained work, or civil appointments (like child protection). Attorneys are required by statute to report each year their estimated practice time dedicated to indigent defense. In FY22:

- **74%** of attorneys who were paid for indigent defense cases submitted the report.
- Adjusted for practice time estimates, **1,295 attorneys** had total caseloads (including retained and civil work) above the guidelines.¹¹

FY22 Indigent Defense Investigation

Under professional guidelines, attorneys should investigate the facts of their client's case. Recommendations for investigation time are in the guidelines at tidc.texas.gov/caseloads. In FY22:

- **128 counties** (50% of counties) statewide reported spending \$0 on investigators.
 - Most were small counties, under 50,000 population. **63%** of small counties (115 counties), reported spending \$0 on investigation.
 - Counties that reported spending \$0 on investigation had 9% of all indigent defense cases and 9% of the state's population.

In FY22, a research project funded by the Bureau of Justice Assistance on investigator usage by indigent defense counsel was begun.

¹⁰ This assumes a maximum of any combination of 128 felony cases, 226 misdemeanor cases, or 31.2 appeals cases in a year.
¹¹ If an attorney had appointed cases equating to at least 30% of the WCG, the attorney's caseload was divided by the percent of practice time reported as devoted to indigent defense. If no practice time had been reported, the calculation assumes the percent of practice time devoted to indigent defense cases was 100%.



tidc.texas.gov/Improvement

TIDC works to improve public defense in Texas through publications, training, mentorship, and technical assistance.

Training

TIDC training and presentations were attended by over 2,400 people in FY22; the full list is in Appendix F. Highlights include:

- **Chief Defender Meetings**, for the chief public defenders and managed assigned counsel directors in Texas
- **Indigent Defense Coordinator Meet-ups**, for front-line staff administering appointed counsel programs
- Trainings for judges, court personnel, and defense counsel in collaboration with the **Texas Justice Courts Training Center**, **Texas Association of Counties**, and the **Texas Criminal Defense Lawyers Association (TCDLA)**

Mentorship

In FY22, TIDC offered continuing support and training to the four classes of attorneys in the **Future Indigent Defense Leaders**



Future Indigent Defense Leaders training.

(FIDL) program. FIDL is a partnership of TCDLA, Harris County Public Defender's Office, Gideon's Promise, and TIDC. Through FIDL, promising new criminal defense attorneys receive mentorship and training. Attorneys are paired with a local mentor and receive nationally recognized training from Gideon's Promise and TCDLA.

Technical Assistance

TIDC advises counties on how to comply with the Fair Defense Act and build more effective indigent defense systems by answering questions about grants and data reporting, writing planning studies for new programs, and assisting in implementing new offices.



In FY22, TIDC **prepared 9 planning studies** for public defender offices **covering 36 counties**, with one resulting in the new Brazos County Public Defender Office and another resulting in the Nueces County Public Defender's Office.

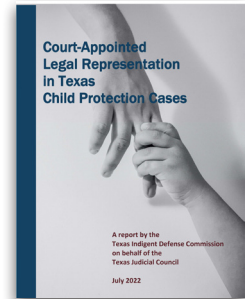


tidc.texas.gov/FamilyRepresentation

In FY22, TIDC continued to provide support to the Texas Judicial Council in efforts to collect data from counties about court-appointed legal counsel in child protection cases.

Data Reporting

TIDC completed the first-ever child protection case expenditure and judicial plan data report for the Texas Judicial Council in FY22. This report covered FY21 data and was made available in July 2022. Read the report here: tidc.texas.gov/Family-Representation/.



Training & Technical Assistance

TIDC conducted multiple trainings for counties in preparation for FY22 expenditure reporting. Training attendees included county auditors, treasurers, judges, and attorneys. Technical support was provided to any county that needed assistance with reporting data.





Operation Lone Star

Governor Abbott launched Operation Lone Star in March 2021 to respond to a rise in illegal immigration. In May 2021, Governor Abbott issued a disaster declaration to cover 55 counties, mostly along or near the border. The declaration directed the Department of Public Safety to:

use available resources to enforce all applicable federal and state laws to prevent criminal activity along the border, including criminal trespassing, smuggling, and human trafficking, and to assist Texas counties in their efforts to address those criminal activities.

The following month, the Governor opened Texas Department of Criminal Justice (TDCJ) facilities for pretrial detention of persons arrested under Operation Lone Star.

During the second special legislative session (87(2)), the Legislature appropriated funds for Operation Lone Star, including indigent defense funding (\$29.7 million). Since then, TIDC's Board met several times to award grant funding to indigent defense organizations functioning under Operation Lone Star. The awards included funding for the Lubbock Private Defender Office (LPDO) to serve as the Indigent Defense Hub for Operation Lone Star, and appointing panel attorneys and public defender offices to provide representation.

Under a series of emergency orders, the Texas Supreme Court directed TIDC to develop procedures for Operation Lone Star's indigent defense representation. The initial order was issued August 30, 2021, and was renewed under Texas Supreme Court Order 22-9068 on August 29, 2022. TIDC has continued to protect the right to counsel and improve public defense in Operation Lone Star.

Appendix A: Formula Grant Disbursements

FY22 Formula Grant Disbursements by County

Anderson	\$44,580
Andrews	\$27,882
Angelina	\$52,422
Aransas	\$28,005
Archer	\$18,745
Armstrong	\$0
Atascosa	\$46,377
Austin	\$29,023
Bailey	\$19,921
Bandera	\$26,805
Bastrop	\$54,132
Baylor	\$16,666
Bee	\$31,435
Bell	\$183,402
Bexar	\$919,240
Blanco	\$19,850
Borden	\$3,650
Bosque	\$22,886
Bowie	\$74,152
Brazoria	\$204,609
Brazos	\$145,342
Brewster	\$20,537
Briscoe	\$1,600
Brooks	\$17,952
Brown	\$36,617
Burleson	\$28,245
Burnet	\$50,928
Caldwell	\$34,310
Calhoun	\$27,198
Callahan	\$21,992
Cameron	\$184,755
Camp	\$22,236
Carson	\$17,971
Cass	\$30,870
Castro	0
Chambers	\$40,228
Cherokee	\$40,157

Childress	\$18,834
Clay	\$19,234
Cochran	\$13,539
Coke	\$17,323
Coleman	\$18,593
Collin	\$529,383
Collingsworth	\$14,216
Colorado	\$28,467
Comal	\$85,117
Comanche	\$21,670
Concho	\$5,360
Cooke	\$36,047
Coryell	\$50,063
Cottle	\$9,375
Crane	\$17,561
Crockett	\$17,946
Crosby	\$6,770
Culberson	\$0
Dallam	\$18,877
Dallas	\$1,816,236
Dawson	\$20,408
Deaf Smith	\$25,045
Delta	\$8,800
Denton	\$430,928
DeWitt	\$26,855
Dickens	\$4,300
Dimmit	\$6,343
Donley	\$16,633
Duval	\$19,871
Eastland	\$25,159
Ector	\$108,093
Edwards	\$15,747
El Paso	\$683,380
Ellis	\$123,140
Erath	\$30,638
Falls	\$26,144
Fannin	\$44,228

Fayette	\$27,816
Fisher	\$0
Floyd	\$10,441
Foard	\$2,175
Fort Bend	\$503,063
Franklin	\$19,816
Freestone	\$26,033
Frio	\$24,569
Gaines	\$23,572
Galveston	\$196,727
Garza	\$17,679
Gillespie	\$29,784
Glasscock	\$5,500.00
Goliad	\$19,005
Gonzales	\$25,588
Gray	\$27,783
Grayson	\$80,852
Gregg	\$88,130
Grimes	\$29,122
Guadalupe	\$81,906
Hale	\$31,589
Hall	\$16,744
Hamilton	\$18,681
Hansford	\$17,436
Hardeman	\$12,128
Hardin	\$41,480
Harris	\$3,641,064
Harrison	\$47,629
Hartley	\$18,841
Haskell	\$17,880
Hays	\$139,156
Hemphill	\$12,000
Henderson	\$65,514
Hidalgo	\$444,412
Hill	\$35,192
Hockley	\$34,858
Hood	\$44,472

Hopkins	\$34,398
Houston	\$27,536
Howard	\$31,551
Hudspeth	\$17,296
Hunt	\$78,034
Hutchinson	\$26,706
Irion	\$3,612
Jack	\$18,985
Jackson	\$24,337
Jasper	\$30,899
Jeff Davis	\$12,995
Jefferson	\$137,306
Jim Hogg	\$17,089
Jim Wells	\$30,595
Johnson	\$96,510
Jones	\$22,934
Karnes	\$21,105
Kaufman	\$94,758
Kendall	\$46,926
Kenedy	\$15,711
Kent	\$2,675
Kerr	\$42,820
Kimble	\$17,476
King	\$1,000
Kinney	\$0
Kleberg	\$32,102
Knox	\$0
La Salle	\$18,260
Lamar	\$42,502
Lamb	\$20,383
Lampasas	\$24,485
Lavaca	\$23,862
Lee	\$25,840
Leon	\$22,955
Liberty	\$57,229
Limestone	\$26,866
Lipscomb	\$6,204
Live Oak	\$21,677
Llano	\$26,207
Loving	\$12,545

Lubbock	\$255,056
Lynn	\$16,645
Madison	\$21,592
Marion	\$20,589
Martin	\$13,770
Mason	\$15,739
Matagorda	\$31,918
Maverick	\$13,254
McCulloch	\$19,182
McLennan	\$177,059
McMullen	\$11,964
Medina	\$42,960
Menard	\$0
Midland	\$126,133
Milam	\$26,903
Mills	\$17,290
Mitchell	\$20,277
Montague	\$24,565
Montgomery	\$357,174
Moore	\$31,724
Morris	\$21,808
Motley	\$3,340
Nacogdoches	\$41,846
Navarro	\$0
Newton	\$20,970
Nolan	\$27,513
Nueces	\$183,315
Ochiltree	\$20,661
Oldham	\$16,432
Orange	\$51,061
Palo Pinto	\$25,951
Panola	\$28,983
Parker	\$80,957
Parmer	\$18,402
Pecos	\$25,248
Polk	\$45,344
Potter	\$104,628
Presidio	\$17,719
Rains	\$20,136
Randall	\$86,222

Reagan	\$17,622
Real	\$14,777
Red River	\$21,606
Reeves	\$23,933
Refugio	\$19,758
Roberts	\$1,000
Robertson	\$27,179
Rockwall	\$70,734
Runnels	\$19,210
Rusk	\$35,413
Sabine	\$19,883
San Augustine	\$18,989
San Jacinto	\$27,042
San Patricio	\$51,917
San Saba	\$18,149
Schleicher	\$16,743
Scurry	\$24,739
Shackelford	\$13,025
Shelby	\$25,062
Sherman	\$16,751
Smith	\$144,459
Somervell	\$18,507
Starr	\$44,834
Stephens	\$20,378
Sterling	\$16,444
Stonewall	\$7,100
Sutton	\$17,071
Swisher	\$17,923
Tarrant	\$1,135,534
Taylor	\$106,044
Terrell	\$724
Terry	\$22,061
Throckmorton	\$7,492
Titus	\$30,020
Tom Green	\$99,609
Travis	\$750,909
Trinity	\$21,958
Tyler	\$25,453
Upshur	\$34,077
Upton	\$18,423

Uvalde	\$27,495
Val Verde	\$37,542
Van Zandt	\$43,012
Victoria	\$70,265
Walker	\$45,469
Waller	\$53,703
Ward	\$22,585
Washington	\$38,969

Webb	\$228,320
Wharton	\$35,721
Wheeler	\$19,505
Wichita	\$131,907
Wilbarger	\$22,082
Willacy	\$26,979
Williamson	\$247,887
Wilson	\$37,445

Winkler	\$19,426
Wise	\$52,647
Wood	\$33,253
Yoakum	\$16,492
Young	\$24,250
Zapata	\$0
Zavala	\$0
Total Disbursed	\$20,339,887

The following counties received FY2022 Formula Grants but disbursements were placed on hold pending compliance with one or more program requirements.

Armstrong	\$8,375
Castro	\$12,015
Culberson	\$6,981
Fisher	\$16,853
Kinney	\$10,750
Knox	\$16,719
Menard	\$6,529
Navarro	\$46,792
Zapata	\$20,524
Zavala	\$14,575
Total Pending	\$160,113



Edwin Colfax and Debra Stewart at Hidalgo County Courthouse.

Appendix B: Improvement Grant Awards and Disbursements

TIDC awards the following types of grants:

- **Competitive Improvement Grants** assist counties in implementing new programs or processes to improve indigent defense services.
- **Sustainability Grants** support rural, regional public defender programs.
- **Mental Health Defender Grants** fund programs for clients with mental health issues.
- **Technical Support Grants** assist with pilot projects, research, and special programs.
- **Extraordinary Grants** reimburse extraordinary indigent defense costs.

FY22 Improvement Grant Awards and Disbursements

County/Grantee	Program Title	FY22 Funds Awarded	Total Disbursed for FY22	Pending Obligations
	Competitive Improvement Grants			
Bowie	Public Defender Quality Improvement through Manageable Caseloads	\$68,400	\$40,426	\$0
Culberson	Regional Public Defender Process Automation	\$16,170	\$0	\$16,170
Dallas	Transformational Justice Emerging Adult Program	\$133,404	\$68,080	\$0
Denton	Indigent Defense Coordinator Team	\$254,991	\$211,409	\$0
El Paso	Public Defender Bond Review (Bond 48)	\$204,025	\$202,122	\$0
El Paso	Public Defender Padilla Compliance Program	\$175,963	\$86,274	\$0
Fort Bend	Public Defender Padilla Compliance Program	\$47,364	\$47,364	\$0
Harris	Misdemeanor Managed Assigned Counsel Program	\$1,228,000	\$0	\$1,228,000
Hays	Indigent Defense Coordinator Program	\$79,804	\$42,245	\$0
Kendall	Indigent Defense Coordinator Program	\$53,512	\$45,918	\$0
Medina	Indigent Defense Coordinator Program	\$21,896	\$19,823	\$0
Navarro	Indigent Defense Coordinator Program	\$33,978	\$18,061	\$15,917
Navarro	TechShare Indigent Defense Software System	\$15,000	\$0	\$15,000
Nueces	Indigent Defense Coordinator Team	\$102,438	\$93,582	\$0
Potter	Public Defender & Managed Assigned Counsel	\$446,923	\$245,450	\$0
Travis	Limited Felony Expansion of Mental Health PD	\$62,501	\$61,183	\$0
Travis	Public Defender Office/MAC Improvements	\$5,713,673	\$4,484,234	\$0
Webb	Public Defender Padilla Compliance + MH Program	\$39,350	\$23,282	\$0
Webb	Indigent Defense Coordinator Program	\$17,339	\$9,071	\$0
Wichita	Public Defender Appellate/Bond Attorney	\$17,612	\$17,612	\$0
Wichita	PD Solutions-Based Alternatives to Incarceration	\$128,786	\$126,264	\$0
Williamson	Transformational Justice Emerging Adult Program	\$125,303	\$110,187	\$0
	Total – Competitive Improvement Grants	\$8,732,343	\$5,716,136	\$1,275,087

County/ Grantee	Sustainability Grants	FY22 Funds Awarded	Total Disbursed for FY22	Pending Obligations
RPDO LGC	Regional Public Defender for Capital Cases	\$4,738,902	\$4,738,902	\$0
Texas Tech	Caprock Regional Public Defender Office	\$196,494	\$181,518	\$0
	Total - Sustainability Grants¹²	\$4,935,396	\$4,920,420	\$0
	Mental Health Defender Grants			
Bexar	Public Defender Mental Health Division	\$146,854	\$84,388	\$62,466
Bexar	Managed Assigned Counsel Mental Health Division	\$753,367	\$0	\$753,367
Culberson	Public Defender Mental Health Social Worker	\$160,698	\$0	\$160,698
Dallas	Public Defender Mental Health Division	\$81,394	\$0	\$81,394
Galveston	Mental Health Public Defender Office	\$506,355	\$420,386	\$0
Harris	Public Defender Mental Health Division	\$164,910	\$0	\$164,910
Hidalgo	Public Defender Mental Health Division	\$386,453	\$0	\$386,453
McLennan	Mental Health Managed Assigned Counsel Program	\$121,577	\$111,933	\$0
Nueces	Public Defender Office Mental Health Division (Part A)	\$1,948,583	\$0	\$1,948,583
Wichita	Public Defender Mental Health Unit Expansion	\$123,686	\$0	\$123,686
	Total - Mental Health Total Grants	\$4,393,877	\$616,707	\$3,681,557
	Technical Support Grants			
Harris	Statewide Mentoring & Training (FIDL) Cohort 3&4 Year 1	\$199,557	\$0	\$199,557
Harris	Statewide Mentoring & Training (FIDL) Cohorts 1&2 (reissued balance, extended term)	\$609,567	\$0	\$609,567
Hays	Statewide Remote Padilla Compliance	\$233,682	\$134,100	\$99,582
	Total - Technical Support Grants	\$1,042,806	\$134,100	\$908,706
	Extraordinary Grants			
Donley	Extraordinary Capital Case Defense Costs	\$21,137	\$21,137	\$0
	Total - Extraordinary Grants	\$21,137	\$21,137	\$0
	Improvement Grants for Additional Indigent Defense Capacity (ARPA/SB8)			
Brazos	New Public Defender Office	\$1,859,900	\$0	\$1,859,900
Burleson	Contract Defender Program	\$98,102	\$0	\$98,102
Culberson	Additional Public Defender Staff	\$432,748	\$0	\$432,748
Dallas	Additional Misdemeanor Public Defender Staff	\$3,487,680	\$0	\$3,487,680
El Paso	Additional Public Defender Staff	\$1,057,850	\$0	\$1,057,850
Fort Bend	Additional Public Defender Support Staff	\$62,456	\$0	\$62,456
Harris	Additional Public Defender Staff	\$1,119,000	\$0	\$1,119,000
Nueces	New Public Defender Office (Part B)	\$1,692,875	\$0	\$1,692,875
Refugio	Additional Public Defender Staff	\$401,880	\$0	\$401,880

¹² Many programs eligible for Sustainability Grants in FY22 were funded with residual FY21 budget year funds, see FY21 budget year disbursements below.

Tom Green	Regional Public Defender Office Expansion 5 Counties	\$2,906,996	\$0	\$2,906,996
Wichita	Additional Public Defender Staff	\$316,172	\$0	\$316,172
Willacy	Additional Public Defender Staff	\$401,880	\$0	\$401,880
Pending	Unobligated ARPA/SB8 Balance	\$104,927	\$0	\$104,927
	Total – Improvement Grants for Additional Indigent Defense Capacity (ARPA/SB8)	\$13,942,466	\$0	\$13,942,466
	Operation Lone Star (OLS) Indigent Defense Grants			
LPDO	Lubbock Private Defender Office OLS Indigent Defense Phase I	\$1,466,489	1,466,489	\$0
TRLA	Texas Rio Grande Legal Aid OLS Indigent Defense	\$252,434	\$252,434	\$0
LPDO	Lubbock Private Defender Office – OLS Indigent Defense Phase II	\$22,339,478	10,082,418	\$12,257,060
	Total - Operation Lone Star (OLS) Defense	\$24,058,401	\$11,801,341	\$12,257,060

FY22 Disbursements for Grant Award Obligations from FY20 Budget Year

County	Program	Pending Obligation end of FY21	Disbursed FY22
Bexar	Public Defender Mental Health Division Expansion	\$232,986	\$200,624
Dallas	Public Defender Mental Health Division Expansion	\$267,815	\$248,347
Harris	Public Defender Mental Health Division Expansion	\$653,570	\$507,879
Lavaca	Public Defender Mental Health Social Worker	\$103,442	\$77,581
	Total FY22 Disbursed for FY20 Awards	\$1,257,813	\$1,034,431

FY22 Disbursements for Grant Award Obligations from FY21 Budget Year

County	Program	Pending FY21 Obligation at beginning of FY22	Amount Disbursed FY22
Atascosa	Regional Public Defender Office, 4 Counties	\$1,196,810	\$538,045
Bee	Regional Public Defender Office, 3 Counties	\$856,315	\$856,315
Bexar	Managed Assigned Counsel Program	\$1,490,310	\$505,521
Bexar	Public Defender Mental Health Expansion	\$146,855	\$0
Burnet	North Hill Country Regional Public Defender, 3 Counties	\$1,063,224	\$1,040,857
Cameron	Juvenile Public Defender Mental Health Expansion	\$200,800	\$0
Collin	Affidavit of Indigency & Attorney Compliant Tracking System	\$27,786	\$21,198
Culberson	Far West Regional Public Defender Office, 5 Counties	\$420,410	\$0
Dallas	Public Defender Mental Health Expansion	\$81,394	\$0
Galveston	Mental Health Public Defender Office	\$341,579	\$296,579
Goliad	Regional Public Defender Services	\$76,283	\$76,283
Harris	Public Defender Mental Health Expansion	\$164,910	\$0
Harris	Misdemeanor Managed Assigned Counsel Program (partial reissue of FY19 award, extended term)	\$528,886	\$0

Kerr	Regional Public Defender Office – 5 Counties	\$1,747,835	\$1,474,207
Lavaca	Regional Public Defender Services	\$142,063	\$142,063
Starr	Regional Public Defender Office, 3 Counties	\$645,249	\$645,249
Tom Green	Concho Valley Regional Public Defender, 7 Counties	\$2,276,676	\$859,761
Total FY22 Disbursed/Pending for FY21 Awards		\$11,407,385	\$6,456,078

FY22 Disbursements for Innocence Program Contracts

Law School	FY22 Contract Amount	Total Disbursed in FY22	Contract Amount Carryforward to FY23
Texas A&M University	\$100,000	\$100,000	\$0
Texas Southern University	\$100,000	\$76,100	\$23,900
Texas Tech University	\$100,000	\$100,000	\$0
The University of Houston	\$100,000	\$87,288	\$12,712
The University of North Texas - Dallas	\$100,000	\$44,863	\$55,137
The University of Texas at Austin	\$100,000	\$100,000	\$0
Total	\$600,000	\$508,251	\$91,749



TIDC Board meeting at the Texas Court of Criminal Appeals.

Appendix C: Operating Budget

In FY22, the Commission expended a total of \$47,386,060. Of these funds, \$2,353,234 was for administrative costs. Administrative costs represent 5 percent of the total amount expended. These expenses include salaries, operating expenses, and travel for 17 full-time staff and board members as shown in the chart below.

FY22 TIDC Operating Budget

Budget Category	FY 2022 Expended	FY 2021 Expended
Salaries & Wages	\$1,452,695	\$1,126,361
Other Personnel Costs	\$37,781	\$36,308
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$1,020	\$1,227
Consumables	\$474	\$129
Utilities	\$2,740	\$2,386
Travel	\$29,303	\$2,421
Rent-Building	\$75	\$75
Rent-Machine and Other	\$1,289	\$997
Other Operating Expenses *	\$317,552	\$282,327
Innocence Project	\$508,251	\$583,703
Grants	\$45,032,826	\$35,501,951
Total Expended	\$47,386,060	\$37,539,939
Method of Finance Category	FY 2022 Method of Finance	FY 2021 Method of Finance
Fund 5073, Fair Defense Account, Court Costs	\$29,971,614	\$28,134,566
Surety Bond Fee	\$1,780,115	\$1,737,890
State Bar Fee	\$2,491,515	\$2,622,782
Juror Pay Fee	\$0	\$0
Total Fund 5073, Fair Defense Account	\$34,243,244	\$32,879,595
Fund 5073, ARPA Revenue	\$13,942,466	
Fund 0001, General Revenue	\$13,968,571	
Fund 0001, General Revenue (Gov. Grant)	\$1,945,669	
State Grant	\$35,263	\$12,580
Total Revenue	\$64,135,213	\$32,892,175
FY2020 Carryforward		\$9,527,685
FY2021 Carryforward	\$3,792,525	\$11,421,835
FY2022 Carryforward	\$2,608,548	
CJD Grant	(\$35,263)	(\$12,580)
FY20 Grant/IP Obligations		(\$1,979,697)
FY21 Grant/IP Obligations	(\$3,792,525)	(\$12,100,622)
FY22 Grant/IP Obligations	(\$16,669,578)	
Revenue above Appropriation Cap	\$0	\$0

Office of Capital and Forensic Writs & Benefits**	(\$2,334,692)	(\$1,941,192)
TIDC Benefits	(\$318,168)	(\$267,665)
Total Method of Finance	\$47,386,060	\$37,539,939

* PPRI - Grants & Reporting Maintenance System and Special Projects expenses in the amount of \$194,200 are captured under this budget category.

CJD Grant expenses in the amount of \$35,263. This is a state grant.

** Fund 5073 is also the method of finance for the Office of Capital and Forensic Writs (OCFW).



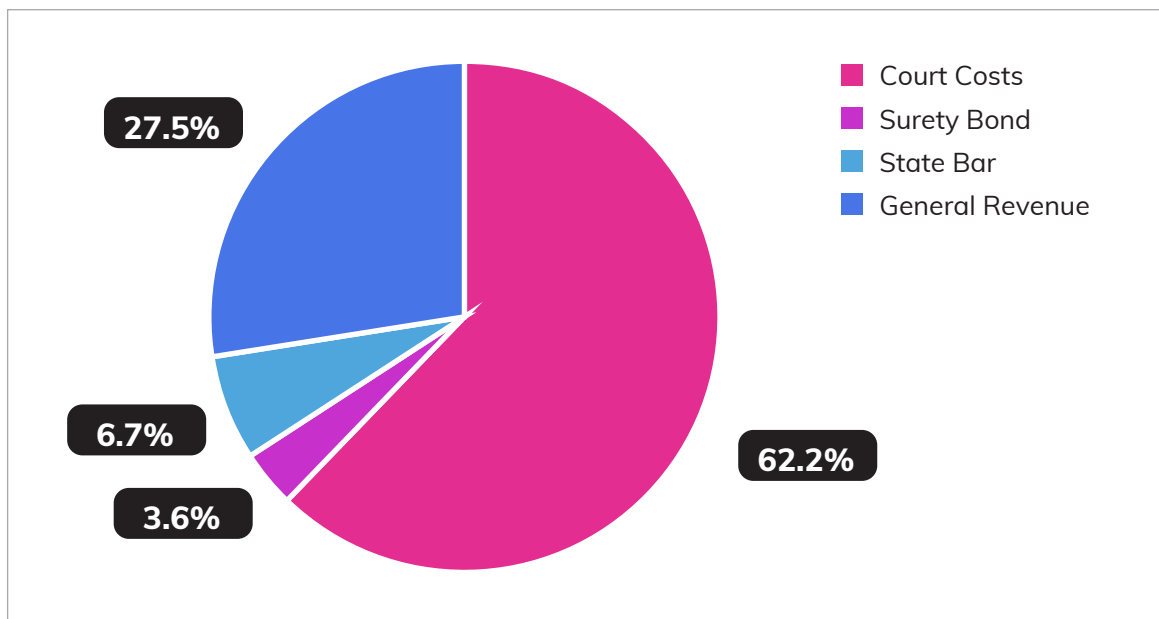
Bill Wilcox, Joel Lieurence and Kristen Meeks at Bell County Courthouse.

Appendix D: Method of Finance

In FY22, TIDC was funded primarily from the GR-Dedicated Fair Defense Account (Fund 5073). Funds accrue to the Fair Defense Account from the following sources:

- **Consolidated Court Costs:** Defendants pay Consolidated Court Costs upon conviction for a range of offenses from fine-only misdemeanors to felonies.
- **Juror Pay Court Costs:** Part of defendants' consolidated court costs reimburse counties for juror pay. The remainder of this fund in excess of \$10 million is transferred to the Fair Dense Account at year's end. TIDC has not received these funds.
- **State Bar Fees:** The State Bar of Texas assesses a \$65 fee as part if each attorney's annual bar dues. Half of the proceeds are allocated to the Fair Defense Account.
- **Surety Bond Fees:** Defendants pay a \$15 fee when posting a surety bond. One-third of the fee goes to the Fair Defense Account.
- **General Revenue:** Funds received from the State for HB9, Supplemental Appropriation for Operation Lone Star (OLS).

Method of Finance Sources



Pre-pandemic, court cost collections declined steadily at about 2% per year. Covid accelerated this trend, with approximate revenue losses of \$7 million in court cost collections each year to the Fair Defense Account. This year, TIDC saw over \$5 million in revenue losses again from juror pay costs.

Appendix E: Selected Trainings and Presentations

2021

September

- **Texas Association of Counties** presentation on indigent defense legislation
- **Future Indigent Defense Leaders (FIDL) Roundtable**
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors

October

- **NAPD Trainer Masterminds**, exploring national training work
- **76th Annual Texas Association of County Auditors**, Fall Conference Presentation
- **Indigent Defense Coordinators Meetup**, training for indigent defense coordinators
- **Indigent Defense Expenditure and Child Protective Case Reporting Webinar**
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors
- **FIDL Roundtable**

November

- **Indigent Defense Commissions** Presentation
- **FIDL Roundtable**
- **Texas Association of Counties Fall Judicial Education Session** Presentation on Indigent Defense and Mental Health
- **JTIP Presentation** on Initial Client Meetings and Detention Hearing Advocacy Training
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors

December

- **University of Texas Law School Children's Rights Clinic**, presentation on child protection cases
- **FIDL Roundtable**

2022

January

- **Indigent Defense Coordinators Meetup**, training for indigent defense coordinators
- **Bastrop County Fiscal and Policy Report Presentations**, discussing newly issued TIDC reports
- **Tom Green County Fiscal and Policy Report Presentations**, discussing newly issued TIDC reports
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors
- **Fair Defense Act at 20 Webinar**, celebrating the Fair Defense Act's 20th anniversary, successes and exploring future challenges

February

- **Child Protective Services Case Data Presentation for the Office of Court Administration**, discussing data gathered from counties on CPS case appointments
- **Improvement Grant Webinar**, discussing TIDC's improvement grant process
- **JTIP Padilla Training**
- **Parker County Fiscal and Policy Report Presentations**, discussing newly issued TIDC reports
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors

March

- **JTIP Adolescent Brain Development Training**
- **NAPD Trainer Masterminds**, exploring national training work
- **NAPD Council at First Appearance and Problem-Solving Courts Webinars**, moderator
- **Texas Association of Counties Spring Judicial Education Session**, on Indigent Defense and Mental Health Issues

- **TIDC ARPA Grant Application Training Webinar**
- **Chief Defender Meeting**, with the chief public defenders and MAC directors

chief public defenders and MAC directors

- **Indigent Defense Coordinators Meetup**, training for indigent defense coordinators

April

- **Texas Mental Health Law Symposium Presentation**
- **Indigent Defense Coordinators Meeting**, training for indigent defense coordinators
- **Presentation to Texas Judicial Council**, on TIDC's CPS data
- **Taylor County Policy Report Presentation**, discussing newly issued TIDC report
- **Future Indigent Defense Leaders Core Program**
- **Use of Investigators Webinar**
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors
- **University of Texas Children's Rights Clinic**, presentation on TIDC CPS data
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors

August

- **Galveston Criminal Justice Coordinating Council**, presentation on TIDC policy monitoring report
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors

May

- **Williamson County Policy Report Presentation**, discussing newly issued TIDC report
- **Chief Defenders Meeting**, with the chief public defenders and MAC directors
- **Texas Pretrial Association Annual Training Conference**, multiple presentations

June

- **NAPD Trainer Masterminds**, exploring national training work
- **Rusty Duncan Chief Public Defender Training**, presentations on 1) Technology and 2) Public Defense Recruitment

July

- **Justice Courts Training Center**, presentation on Article 15.17
- **Writing, Plain and Simple Seminars**
- **Chief Defenders Meeting**, with the





209 West 14th St., Rm 202,
Austin TX 78701
512.936.6994
866.499.0656 Toll Free
tidc.texas.gov