



TASK FORCE ON INDIGENT DEFENSE

Serving Texas since 2002 under the Texas Fair Defense Act and the U.S. Constitution.

2010 ANNUAL AND EXPENDITURE REPORT

Task Force on Indigent Defense

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The Honorable Olen Underwood Conroe, Presiding Judge, 2nd Administrative Judicial Region of Texas (Vice-Chair)

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The Honorable Alfonso Charles Longview, District Judge, 124th District Court
The Honorable Pete Gallego Alpine, State Representative
The Honorable Wallace B. Jefferson Austin, Chief Justice, Supreme Court
The Honorable Sherry Radack Houston, Chief Justice, First Court of Appeals
The Honorable Jeff Wentworth San Antonio, State Senator
The Honorable John Whitmire Houston, State Senator

MEMBERS APPOINTED BY GOVERNOR:

The Honorable Jon Burrows Temple, Bell County Judge
Mr. Knox Fitzpatrick Dallas, Attorney, Fitzpatrick, Hagood, Smith & Uhl
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Front cover photo by Ralph Barrera, Austin American-Statesman

January 11, 2011

Governor Rick Perry
Lieutenant Governor David Dewhurst
Speaker of the House
Chief Justice Wallace B. Jefferson
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, 2010. Because of the efforts of the Task Force in collaboration with local jurisdictions and support of the Public Policy Research Institute at Texas A&M University, Texas is becoming known as a national leader in indigent defense programs. Texas courts are upholding the Constitution under the Fair Defense Act of 2001 by implementing changes based on evidence-based practices that continue to improve the criminal justice system overall in Texas. This report will demonstrate how the local jurisdictions, with assistance by this Task Force, are achieving successful results.

First and foremost, our success is due to local government doing its part and more. With the support of the Texas Legislature, the Office of the Governor, county government, and the judiciary, the Task Force will continue its statewide exchange of ideas with both the public and the private stakeholders concerning indigent defense. During the past year, as outlined in the following pages of this report, much of this dialogue has been turned into deliverables.

Sincerely,

Sharon Keller



Overview

FY 2010 marks the ninth fiscal year of a statewide indigent defense program in Texas. In January 2002, the Texas Fair Defense Act (FDA) became effective after its passage by the 77th Texas Legislature in 2001. The FDA established an organization to oversee the provision of indigent defense services in Texas, the Texas Task Force on Indigent Defense (Task Force), a permanent standing committee of the Texas Judicial Council, staffed as a component of the Office of Court Administration (OCA). The Task Force has authority to set statewide policies and standards for the provision and improvement of indigent defense, to grant state funds to counties for that purpose, and to monitor counties' compliance with policies and standards. The program is led by the Honorable Sharon Keller, Presiding Judge, Court of Criminal Appeals. The Task Force is a body of thirteen appointed and ex-officio members supported by ten full-time staff members. The Task Force and its committees held ten public meetings in FY 2010.

The mission of the Task Force on Indigent Defense is to promote justice and fairness to all indigent persons accused of criminal conduct. The Task Force assists counties to provide quality representation in a cost-effective manner that meets the needs of local communities and the requirements of state and constitutional laws.

Local Control

The Task Force supports local control and understands that indigent defense services are provided and funded primarily at the local level. To honor the tenets of local control, the Task Force applies evidence-based research to its mission and strategies. By deploying an evidence-based practice strategy, the Task Force is able to provide local and state officials with solid information to make informed decisions about indigent defense practices. This approach places the knowledge in the hands of those responsible for providing these services, as well as state policy makers. Knowledge rather than anecdotes drives decision making. The desired result is a more cost-effective indigent defense delivery system that meets the needs of the local jurisdictions while fulfilling the requirements of state and constitutional law.

Since the passage of the [Fair Defense Act in 2001](#), key accomplishments include:

- Number of counties being served by some form of public defender office system has grown from 7 counties to more than 100 counties; The number of public defender offices has grown from 7 to 18
- Increased the total number of people being provided constitutionally guaranteed assistance of counsel from 324,000 persons in FY2002 to more than 470,000 persons in FY2009, a 45 percent increase
- Distributed more than \$140 million to counties to fund indigent services
- Provided funding for 60 new programs (including direct client services such as public defender offices, mental health defender programs, Juvenile public defenders, managed assigned counsel programs, managed contract defender programs, and various technology initiatives)
- Made over 200 presentations across the state by Director and staff to professional educational training events with over 15,000 attending these events
- Included 70 policy monitoring and policy-related visits (42 policy monitoring and 28 policy-related technical assistance)
- Included 109 fiscal monitoring and fiscal-technical assistance visits (73 fiscal monitoring and 36 fiscal-technical assistance)
- Held seven indigent defense workshops with approximately 370 county stakeholders attending, representing more than 50 counties
- Published more than 55 publications, most resulting from various studies, research, local reporting to the State
- The [website](#) serves as a clearinghouse of information on indigent defense in Texas and [online database](#) for counties to submit indigent defense [plans and expenditure reports online](#) and data is available online for public access—the website was dubbed the best in Nation by indigent defense guru Robert Spangenberg.

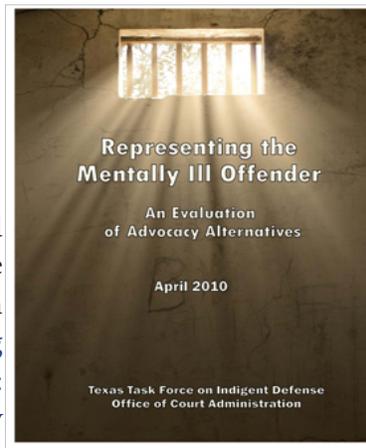
Program Administration

There was an increase in staff from seven to ten staff members to support the Task Force's mission. The office was reconfigured to accommodate two grant program specialists and one administrative assistant. In addition, the Task Force's mission is supported enormously from the leadership and administrative support provided to it by the Office of Court Administration (OCA). This support includes purchasing, human resources, fiscal, and other operations. This support leverages the economies of scale of the larger organization, while allowing staff designated to work for the Task Force to focus exclusively on the substantive work of improving indigent defense. In turn, the Task Force's staff is able to lend their expertise to OCA when issues arise related to indigence in criminal and juvenile law, as well as the front-end of the criminal case management systems. Legislative bill tracking and communication is another effective collaboration among Task Force staff and OCA. In January staff held a staff development day and among other things, division goals, job descriptions and performance measures were updated.

Study Published Regarding Offenders with Mental Illness

The Task Force applied for and received a grant from the State Justice Institute for a research project entitled "Representing the Mentally Ill Offender: An Evaluation of Advocacy Alternatives."¹ The multi-year study was conducted in collaboration with the Public Policy Research Institute at Texas A&M to document the effectiveness of emerging pre-trial interventions and compare outcomes for mentally ill misdemeanor defendants represented by the mental health public defenders versus those represented by appointed counsel.

The study reveals that criminal offenders with mental impairments who are treated instead of jailed are less likely to reoffend for up to eighteen months. Moreover, offenders



¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/MHStudyFinal.pdf>.

More key accomplishments:

- The Task Force was Awarded a CJD Grant of \$300,000 from the Office of the Governor Criminal Justice Division (CJD)
 - The funds will be used to help coordinate and support the actual innocence investigations conducted by four Texas innocence projects in sexual assault cases.
 - The grant will also allow the projects to fulfill a recommendation made last month by the Timothy Cole Advisory Panel on Wrongful Convictions that the projects work in a more coordinated effort.
- Awarded over \$4 million to establish a public defender office in Harris County
- Authorized the expansion of the West Texas Regional Capital Public Defender Office
- The West Texas Regional Capital Public Defender Office was established three years ago by an Interlocal Agreement among counties in the 7th and 9th judicial regions, with Lubbock County serving as the administrative county. This office provides public indigent defense in capital cases seeking death only and serves 71 counties. The office has received state and national recognition for the quality work that it is doing.
 - Additional funds were awarded to Lubbock County to expand into the 4th, 5th, and 6th administrative Judicial Regions providing access to an additional 55 counties. With this expansion just under half of the counties in Texas will be served by a capital defender office.
 - The remaining 4 administrative judicial regions have expressed interest in joining with this initiative are expected to submit application.
- **Strategic planning** - New goals, funding strategies - Task Force staff and board convened in March to plan for the upcoming legislative session and the next steps to improve indigent defense.
- Senate and House Interim charges
- Bexar County comprehensive assessment of indigent defense practices
- **Mental Health study** published
- Record number of Discretionary Grant Intent to Submit Applications submitted
- Harris - Model contract defender program for Veterans
- Greater transparency - New plan submission
- **Timothy Cole Advisory Panel on Wrongful Convictions**
- Director's increased national presence
- **SB3 post DNA report**

suffering from one of the three serious mental illnesses--major depression, bipolar disorder, schizophrenia--were twice as likely as a control group to receive probation rather than jail time if represented by a mental health public defender.

The study found that engagement in treatment can potentially reduce future justice system involvement by half. Mental health courts and mental health public defenders both seek to take advantage of criminal justice system contact to facilitate access to treatment and reduce repeat offending. These programs use different methods designed for different types of people, but ultimately they offer mutually complementary ways to improve outcomes for individual defendants and the criminal justice system as a whole.

This study documented the impact of mental health courts and mental health public defenders based on multiple sources of information, including site visits for qualitative information, analysis of six years of mental health and criminal justice data, and a survey of defense attorneys at each of the three study sites (Dallas, Tarrant and Travis). The research focused on the role of defense attorneys both as a member of the mental health court team and as defense counsel operating in an adversarial court context. The study is available online.

The Task Force has provided funding to Dallas, El Paso, Travis, Lubbock, Fort Bend and Montgomery counties to establish mental health programs to represent mentally ill offenders. With access to more resources and in an effort to slow the recidivism of mentally ill offenders, counties are adopting new local diversion and treatment alternatives. In this climate of change and innovation, little objective analysis has been conducted to guide counties in their planning.

Mental Health Study Findings:

People with mental illness receiving specialized counsel have:

- one-half the contacts in the criminal justice system
- less recidivism
- reduced incarceration

Bexar County Assessment

In December 2009, Senator Jeff Wentworth (pictured right), a member of the Task Force, asked the Task Force on Indigent Defense to conduct a full assessment of Bexar County's indigent defense processes. The purpose of this request and assessment was to determine the effectiveness of Bexar County's indigent defense processes and to determine whether local processes were in compliance with the Fair Defense Act. The Task Force, in collaboration with the Office of Court Administration, interviewed representatives from various departments in the criminal justice system, observed a variety of court proceedings, and examined indigent defense records. The assessment was submitted to Bexar County officials on August 16, 2010 and the County provided its response on October 22, 2010.



Senator Wentworth



Last session, the Texas Legislature passed HB 498¹ establishing the Timothy Cole Advisory Panel on Wrongful Convictions. This legislation went into effect September 1, 2009. The Advisory Panel was named after Timothy Cole, the first Texan to be posthumously exonerated of a crime through DNA testing. The Panel was directed to advise the Task Force on Indigent Defense in the preparation of a study regarding the causes of wrongful convictions and make recommendations to prevent future wrongful convictions. The Cole Advisory Panel met formally on four occasions and also held a number of subcommittee meetings throughout the year. In August, the Cole Advisory Panel submitted its [report](#)² and [research](#)³ to the Texas Task Force on Indigent Defense for publication and distribution. The Panel specifically addressed eyewitness identification procedures, the recording of custodial interrogations, open discovery policies, post-conviction procedures, and the feasibility of creating an innocence commission to investigate wrongful convictions. In total, the Advisory Panel made 11 specific recommendations for reform. Pursuant to HB 498 this report and recommendations were presented to the Governor, Lieutenant Governor, Speaker of the House, and standing committees with members on the Panel.

¹ URL for hard copy reference: <http://www.capitol.state.tx.us/tlodocs/81R/billtext/pdf/HB00498F.pdf>

² URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/FINALTCAPreport.pdf>

³ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/FINALTCAPresearch.pdf>

Other State and National Indigent Defense Initiatives



Tony Odiorne

U.S. Department of Justice. Jim Bethke, Director of the Task Force, was invited by the U.S. Department of Justice to present at the National Symposium on Indigent Defense at the Mayflower Hotel in Washington, D.C. on February 19, 2010. Attorney General Holder and the United States DOJ, with the support of the Office of Justice Programs, the Bureau of Justice Assistance and the Office of Juvenile Justice and Delinquency Prevention sponsored the symposium. Task Force board member Mr. Tony Odiorne (pictured left) also attended. Mr. Odiorne is an assistant public defender in Amarillo for the Lubbock Regional Capital Public Defender Office that serves the 7th and 9th Administrative Judicial Regions. Jim Bethke was a speaker for a plenary session entitled *Indigent Defense Reform: the Many Modes of Collaboration and associated workshop on State Collaborations for Systemic Reform – Learning from Setbacks.*

Texas Indigent Defense Summit.

On February 24, 2010, organized and coordinated by Senator Rodney Ellis of Houston, in collaboration with The Constitution Project, the National Association of Criminal Defense Lawyers, the Task Force and Texas Criminal Defense Lawyers Association held a one-day summit on effective indigent defense practices. Speakers included Senator Ellis, Jim Bethke, Director of the Task Force, Carl Reynolds of Office of Court Administration, Cynthia Orr of the Bexar County Defense Bar, John Digiacinto, Chief San Mateo Private Defender and other state and national leaders in indigent defense.



Pictured left to right at the Indigent Defense Summit: Jim Bethke, Director of the Task Force, John Digiacinto, Chief, San Mateo Private Defender, Tim Johnson, Bexar County, Senator Rodney Ellis, Cynthia Orr, Bexar County Defense Bar

Principles of Effective Indigent Defense Systems

Three dynamic elements contribute to the creation of effective indigent defense systems. They are: actions, resources, and results. The addition of two new grant program specialists authorized by the Legislation in 2009 has allowed staff to make use of these elements to help counties develop programs while maintaining fidelity to the principles laid out in the Fair Defense Act and Task Force rules. Examples of several principles and programs are discussed below.

Example #1: Local Control and the Caprock Regional Public Defender Office

When staff saw evidence of extremely low appointment rates in misdemeanor cases in many rural counties in the Caprock region of Texas, the team worked with the Texas Association of Counties to coordinate a meeting in the area for any counties that may be interested in developing a regional program to address the issue. Judges in the area indicated that a systemic shortage of attorneys to represent indigent defendants, shortage of resources, and local practices led to the low appointment rate. The Task Force found a regional resource in the Texas Tech Law School to develop an institutional presence to address this shortage and increase access to representation. The result of these actions was a Task Force-funded program. In addition, the Task Force was able to offer resources for this program that would eliminate or minimize costs for the participating counties. After meetings between the county judges, Task Force staff, and Texas Tech professors, ten counties opted to join the program, and the public defender will continue to foster relationships in the area.

Example #2: Measurement and Harris County Public Defender Office

One important principle of effective indigent defense is that any implemented system must be able to be measured. Harris County understands and embraces this principle. In collaboration with the Task Force, Harris County applied for and received a \$20,000 grant to develop the infrastructure for an evaluation system to use in implementing a public defender system from the **American Bar Association – Standing Committee on Legal Aid and Indigent Defendants. (SCLAID)**. The Task Force supported the application and helped conduct stakeholder interviews when the SCLAID team visited the county in March. The SCLAID report identified issues such as local stakeholder involvement, managed case loads, an independent oversight board, and effective measurement to bolster the success of a public defender office. The SCLAID report also provided data elements that the county must collect to measure success of the program. The county agreed to use the report as the basis for its principled implementation evaluation in a discretionary grant application made to the Task Force. The Task Force approved the funding for the establishment of the public defender office and will provide over \$4 million in funding during FY 2011. To date this is the largest award in the history of the Task Force discretionary grant program.

Example #3: Broad-Based Support and the Montgomery County Managed Assigned Counsel Program for Mental Health

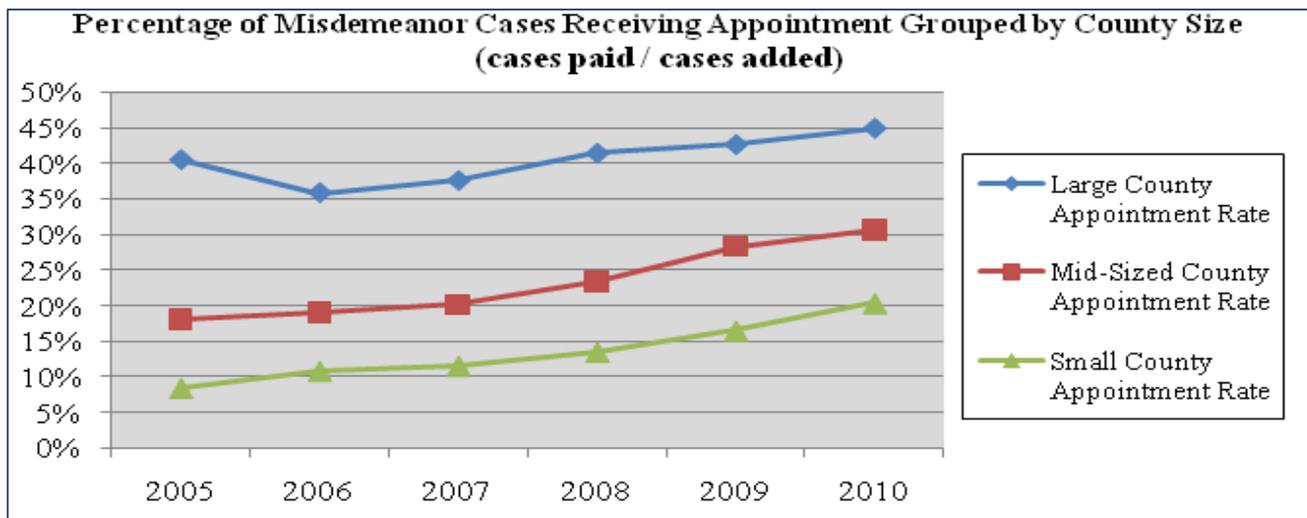
Staff supported a coordinated effort between the Public Policy Research Institute of Texas A&M University, National Center for State Courts, the State Justice Institute, and the Task Force to implement strategic planning sessions in Montgomery and Hidalgo Counties that emphasized the principle of broad stakeholder support to address special populations. These sessions brought together court, jail, criminal justice and mental health professionals to examine new and existing strategies to manage people with mental illness in a more humane way when they enter the legal system. Montgomery County used the session to develop a grant application that was ultimately funded by the Task Force for a new and innovative attorney representation system.

I've found the Task Force to be very helpful during my time on the bench, so I think that the Task Force can be helpful to all judges as we continue to do our jobs, not only in the areas of criminal justice but also in administering justice across the board.

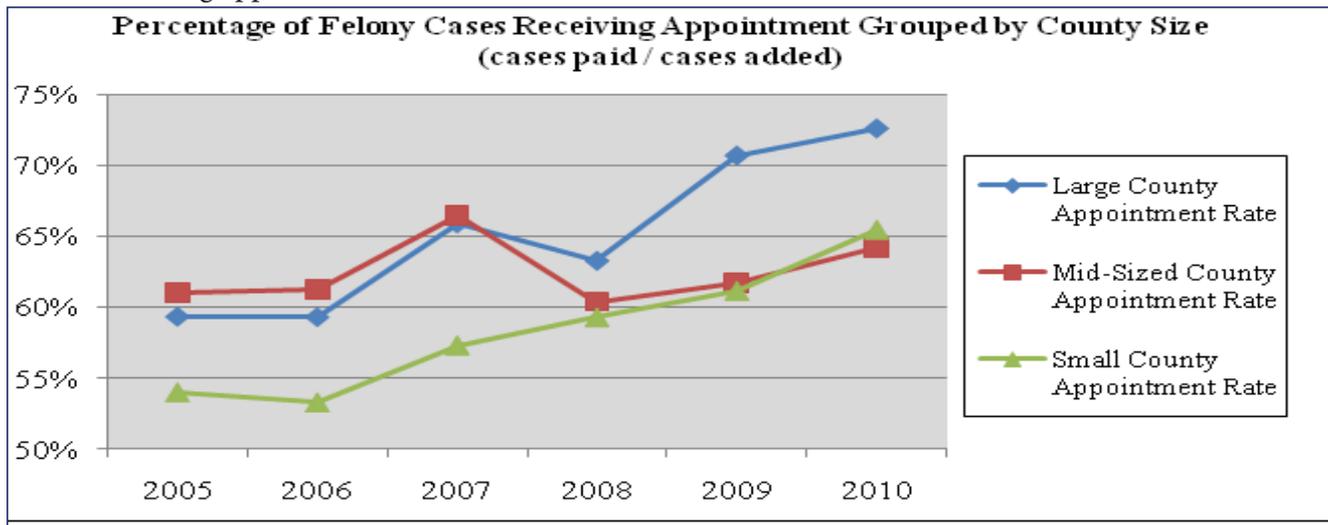
Judge Cara Wood
284th District Court Judge,
Montgomery County
February 17, 2010 Mental Health
Strategic Planning Session

Indigent Defense Appointment Trends

State and constitutional law requires the appointment of counsel for all qualified indigent defendants who have not waived the right to counsel in all felony and Class A and Class B misdemeanor cases. Large counties tend to appoint a greater percentage of attorneys to misdemeanor cases than either small or mid-sized counties, but within each group the attorney appointment rate has steadily increased. (Small counties are those counties with a census population under 50,000. Mid-sized counties are between 50,000 and 249,999. Large Counties have a census population of at least 250,000.) Misdemeanor appointment rates have not yet converged toward an average rate of appointment, but the Task Force views the upward trends in all counties as a positive sign for access to justice.



For felonies, the percentage of persons receiving appointed counsel in counties of all sizes has shown signs of converging toward the state-wide average rate of appointment. Whether a defendant is being prosecuted in a large, mid-sized, or small county does not appear to affect the likelihood of receiving appointed counsel.



EXECUTIVE SUMMARY

While the overall percentage of cases in which defendants receive appointed counsel has increased, the total number of appointments made across the State has also increased. The total number of cases paid for misdemeanor, felony, juvenile, and appeals cases are listed in the following table.

Cases Paid	FY2005	FY2006	FY2007	FY2008	FY2009	FY2010
Misdemeanor	185,922	177,776	195,340	199,028	210,725	225,091
Felony	153,135	160,651	178,430	174,959	191,457	193,408
Juvenile	52,955	57,603	58,146	58,766	56,090	54,708
Appeals	4,464	2,983	2,807	2,894	2,655	3,423

Looking Ahead: Strategic Planning -- New Goals, Funding Strategies

Task Force staff and board convened in March to plan for the upcoming legislative session and the next steps to improve indigent defense. The [Strategic Plan 2010-2015](#)¹ presents the results of this effort.

The challenges ahead involve three distinct but related goals:

- Improve Indigent Defense Through the Development of Policies & Standards
- Promote Local Compliance and Accountability with the Requirements of the Fair Defense Act through Evidence-Based Practices
- Develop Effective Funding Strategies

Welcome Representative Alonzo

In its seventh year the Task Force transitioned from one member, Representative Todd Smith, to another, Representative Roberto Alonzo (pictured below right) who provided invaluable guidance at the strategic planning session in March.



Representative
Alonzo

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/strategicplanfinal.pdf>

POLICIES AND STANDARDS

Strategic goal one is to improve indigent defense services through the development of policies and standards, as well as legislative proposals. Initiatives under this goal are developed to provide additional consistency and improvement in the way Texas delivers indigent defense services. While the FDA contains a variety of statutory requirements, the Task Force is given broad authority to develop additional policies covering a wide range of indigent defense issues, which are achieved through development of rules, best practices, and model forms in a process that encourages stakeholder involvement and collaboration. In approaching this process, the Task Force is always mindful of the potential costs associated with implementing additional requirements. To help execute this strategy, the Policies and Standards Committee of the Task Force met twice during the year.

Senate and House Interim Hearings regarding Indigent Defense

Indigent defense was the subject of an interim charge to legislative committees for the first time since passage of the Fair Defense Act in 2001. Senator John Whitmire (pictured below right), a Task Force member since 2003, is the Chair of the Senate Committee on Criminal Justice that had the following charge:

Review the performance of the Fair Defense Act and the Task Force on Indigent Defense. Study key outcomes of the law, including: appointment rates in felony and misdemeanor cases; state and county indigent defense expenditures; attorney caseloads; attorney compensation; access to investigators and experts; and overall quality of counsel for the indigent. Examine the Task Force on Indigent Defense's effectiveness in monitoring and enforcing standards and design strategies to improve the delivery of services for indigent defense, including timing of the appointment of counsel, the use of the appointment wheel and the monitoring of workloads and performance of attorneys.



Senator
Whitmire

Representative Pete Gallego (pictured below left), also a long-time Task Force member, and Chair of the House Committee on Criminal Jurisprudence, which had the following charge:



Representative
Gallego

Study how the state presently supports the establishment and maintenance of public defender offices.

On May 13 the Task Force Chair Sharon Keller, Director Jim Bethke, Dr. Tony Fabelo, and others testified before each committee on the status of indigent defense in the state and on areas for further development. Three key points emerged from the hearings. The State needs to: 1) share more of the financial responsibility of providing public defense with local government; 2) provide greater direction and resources to make local practices more transparent; and 3) provide legislative direction on the issue of independence of the public defense function.

Legislative Proposals

The Task Force is charged in Section 71.061, Government Code, with recommending to the legislature ways to improve Texas' indigent defense system. The Task Force developed a [Legislative Policy](#)¹ to guide its development of such recommendations. The recommendations were developed with the assistance of a workgroup consisting of a broad range of criminal justice stakeholders. The legislative workgroup met twice this past summer to develop proposals, which were then considered by the Task Force at its year-end August meeting. It approved [nine proposals](#)² for the consideration of the Texas Legislature in the upcoming 82nd Regular Session. Some of the recommendations involve proposals from last session that did not pass the legislature, such as to simplify the establishment of public defender offices and to better enable local jurisdictions to establish managed assigned counsel programs. A significant new proposal would provide greater independence for the indigent defense function at the state level by changing the name of the Task Force to the Texas Indigent Defense Commission and providing that the new commission be an independent agency within the judicial branch and no longer a committee of the Texas Judicial Council.

New Plan Submission Process

In response to an internal audit report on the former process of receiving and displaying indigent defense plans, the Task Force changed the process for the plan submissions due November 1, 2009. The wide latitude local officials have had in the structure of plans and format of submission has resulted in a cumbersome and, at times, confusing set of documents that are difficult to piece together and are sometimes internally inconsistent. This not only creates problems for the counties who must rely on these documents, but also for Task Force staff who review these plans for compliance with the FDA.

The revamped process standardized the format of the plans in line with the core requirements of the FDA. The result is a single, uniform, accessible indigent defense plan for each county and court level. As part of the new process, the Task Force offered plan templates with sample language that meet the statutory and rule requirements for each plan section. The templates may be uploaded directly from the plan submission website, and they may be edited to fit each jurisdiction. The new process and templates were developed with the assistance of a large group of stakeholders.

Staff at Texas A&M- Public Policy Research Institute (PPRI) developed the website architecture to allow submission of plans by section, list requirements for each section, provide links to view and upload plan templates and forms, and provide links to the relevant statutes and rules for each section. Several counties assisted us in testing the website by completing the process of submitting their own plans and providing us with feedback on the process. The Task Force also developed and published a presentation to demonstrate how the new web process works. Staff also provided significant direct assistance to local judges and other officials as they completed the submission process for their jurisdictions. Although many counties were not able to complete the process timely all plans were ultimately submitted using the new system. Submission of the statutorily required plans is condition for receiving state grants from the Task Force and all counties were ultimately able to submit their plans.

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/Legislative%20Policy.pdf>

² URL for hard copy reference: <http://www.txcourts.gov/tfid/pdf/82ndLegislativeProposalsforWebsite.pdf>

Staff and interns from the University of Texas School of Law began reviewing the newly submitted plans during the summer of 2010. This year the review covered requirements in the six core sections of each plan, which may include up to three per county (felony, misdemeanor, juvenile). If a required area was not met, staff would contact the official who submitted the plan to address the issue. In many cases we were able to make the necessary changes or assist with the changes, which were then automatically forwarded to the local administrative judge for review and approval.

Although plan submission is mandatory only in odd numbered years, we encourage judges to update their plans and forms as changes are made. With the new electronic submission process, updating plans is easy. The new format also allows plans to be easily reviewed and searched. Since plans will be searchable by section, staff and researchers will be able to focus on those parts of the plans they are currently interested in reviewing. Additionally, local judges and officials can easily examine sections or plans adopted by other counties. As an example, the new submission process will allow a judge to find the attorney qualification requirements in the plans of similarly sized counties in the judge's region.

Love the new plan submission site!...and the templates are great as well.

David Slayton
Director of Court Administration
Lubbock County



Policy Monitoring Program

The policy monitor conducts site visits of counties and examines records to determine how well jurisdictions meet the core requirements of the FDA. Jurisdictions are checked to ensure the following: that Article 15.17 hearings are held within 48 hours of arrest; that the county's indigent defense plan sets a standard of indigence; that the jurisdiction has a method for tracking continuing legal education (CLE) hours of attorneys on the appointment list; that counsel is appointed within statutorily required times; that appointments are distributed in a fair, neutral, and non-discriminatory manner; and that attorneys are paid according to a standard payment process. For a listing of policy monitoring visits, please see the table on the following page.

Beginning with monitoring visits conducted in FY2011, the Task Force will publish finalized policy monitoring reports on its web site. Reports are considered final after the respective county has responded to the report and the Task Force Board has had an opportunity to review the report. The web site will list a short summary with overall findings and a link to the full report.

FY 2010 Policy Monitoring Visits

County	Dates	Issues Addressed
Dallas	9/28/09	Timing and distribution of attorney appointment.
Cameron	9/30–10/2/09	Timing of appointment, appointment practices, and the functioning of the newly created indigent defense services department.
Maverick	12/1–12/2/09	Timing of appointment, lack of attorney appointments and magistrate practices.
Zavala	12/3/09	Timing of appointment, lack of attorney appointments and magistrate practices.
Bandera	12/3/09	Examined the processes of handling indigent defendants from arrest until appointment of counsel.
Bexar	2/9/10; 2/17– 2/19/10; 3/1–3/5/10; 3/11–3/12/10; 3/22/10; 3/30– 4/1/10; 4/29/10	A comprehensive assessment of all indigent defense practices.
Wharton	7/21/10	Review of local practices for ensuring that counsel is appointed timely.

Amendments to Policy Monitoring Rules Adopted

Amendments to [policy monitoring rules](#)¹ were adopted by the Task Force and ratified by the Texas Judicial Council and went into effect July 15, 2010. Three of the amendments establish benchmarks for when a jurisdiction is presumed to be in substantial compliance with each of three core requirements. These benchmarks are: a presumption that the jurisdiction conducts prompt magistrate warnings if the hearings occur within 48 hours of arrest in at least 98% of the monitor's sample; a presumption that the jurisdiction makes timely appointments of counsel if indigence determinations are timely in at least 90% of the monitor's sample; and a presumption of a fair, neutral, and non-discriminatory appointment system if the top 10% of appointed attorneys receive less than three times their respective share of appointments at each level of proceedings (felony, misdemeanor, juvenile cases).

Other amendments relate to report issuance procedures and responses by counties. One sets a 30-day time limit for a county to respond to a follow-up monitoring report, with the opportunity to request an extension of up to 30 more days. The final change establishes a procedure to address a county's failure to timely respond to a policy monitoring report by directing staff to send a certified letter to several local officials notifying them that all further payments will be withheld if no response to the report is received by the Task Force within 10 days of receipt of the letter. If funds are withheld under the section, then the funds will not be reinstated until the Task Force or the Policies and Standards Committee approves the release of the funds.

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/PolicymonitoringrulesratifiedTJC060910.pdf>

GRANTS AND REPORTING

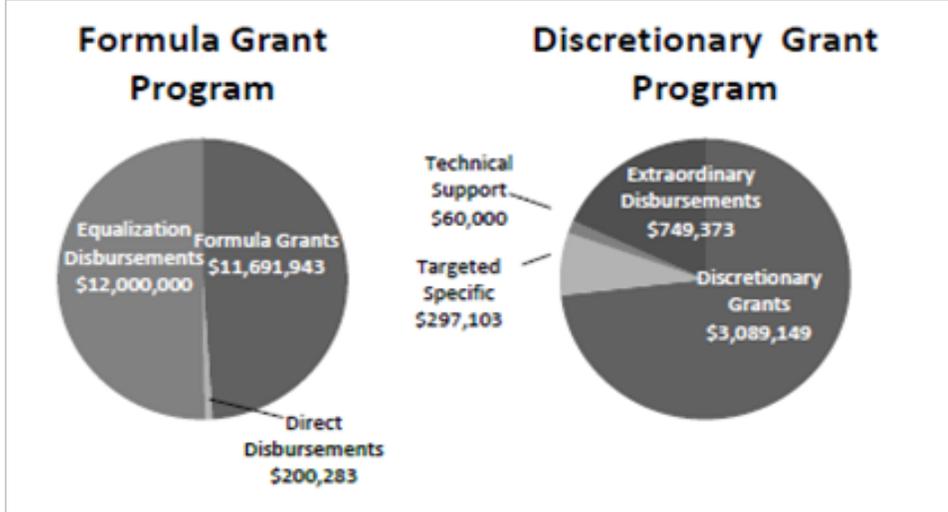
The overarching responsibility of the Task Force Grant Program is to distribute state funds to counties to improve indigent defense services. State funds are distributed to reinforce the Task Force's policies (e.g., completion of the Indigent Defense Expenditure Report) and promote compliance with the specific requirements of the Fair Defense Act (e.g., timely magistration and appointment of counsel). The provision of state funding to help counties meet their constitutional and statutory duties is an essential component of the Task Force's mission to improve the delivery of indigent defense services. These funds incentivize many Texas counties to apply for state resources that add value to local programs.

In order to be eligible to receive state funds through the Grant Program, counties must submit locally-developed indigent defense plans that indicate how the county will meet the minimum standards set by law or the Task Force in areas of magistration, indigence determination, minimum attorney training, attorney appointment processes, and, where applicable, contract standards. Counties must also report their indigent defense appointments and expenditures to the Task Force each year.

To support its goals in FY 2010, the Task Force awarded over \$28 million in grants to counties through two funding strategies. One strategy distributes funds based upon a formula calculation (Formula Grants) and the other is a competitive program (Discretionary Grants). Counties are eligible for a formula grant if certain basic requirements are met. The Formula Grant program utilizes population and expenditure formulas to distribute funds. The Discretionary Grant program requires that a county complete an application and explain to the Task Force what type of program it wants to implement and how the program will improve local public defense practices. These applications are scored and awarded annually on a competitive basis. The Task Force also has the discretion to provide funds to a local jurisdiction to remedy a specific violation of the Fair Defense Act, to provide technical support, and to assist counties that demonstrate an overwhelming economic hardship related to indigent defense. FY2010 expenditures in each of these areas are categorized on the chart on the following page.



Chair of Grants and Reporting,
Tarrant County Judge Glen Whitley
(pictured above) named County
Leader of the Year by *American City
& County* (credit for photo)



The Expenditure Report contained in this Annual Report beginning on page 32 provides details of the expenditures for each of the seven funding methods.

Formula Grant Program

Formula Grants. The Task Force distributes funds to counties through its population-based Formula Grant Program and provides funding that must be used to improve counties' indigent defense systems. The funds are allocated by a formula that sets a \$5,000 floor per grant, with the remaining portion of the grant based on a county's percent of state population (estimated by the Texas Data Center in the preceding year) multiplied by the Task Force's remaining budgeted amount for Formula Grants. Counties must meet minimum spending requirements and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Task Force to qualify.

In FY 2010, the Task Force awarded almost \$12 million in Formula Grants to 218 Texas counties. The remaining 36 counties were automatically assigned to the Direct Disbursement pool. More detailed information on Formula Grants and counties that received these funds is located on page 35 in the Expenditure Report and Appendix A of this Annual Report.

Direct Disbursement. The thirty-six counties that did not apply for a Formula Grant in FY 2010 were eligible to receive a Direct Disbursement if they incurred indigent defense expenses above their baseline amount. A total of \$200,283 was distributed in Direct Disbursement funding for FY 2010. More detailed information on Direct Disbursement and a list of counties that received these funds is located on page 36 in the Expenditure Report of this Annual Report.

Equalization Disbursement. The equalization disbursement provides additional state payments to counties with the lowest percentage of state disbursements compared to overall increased indigent defense costs. While the population-based Formula Grant Program and Direct Disbursement Program ensure that some funds are available to every Texas County, the equalization disbursement policy distributes based on the percentage of increased costs.

In FY 2010 the Task Force awarded \$12 million in funding to 99 counties that had less than a 25.86% rate of state disbursement compared to indigent defense expenditures. This funding strategy is used when budget conditions are favorable without adversely affecting other funding methods. The Task Force encourages counties to use this money to help pay for something on their indigent defense “wish list,” a project or plan that may have remained unrealized without this extra funding.

More detail on the Equalization Disbursement policy and a table of counties receiving this payment is on pages 36 and 37 of the Expenditure Report section of this Annual Report.

Discretionary Grant Program

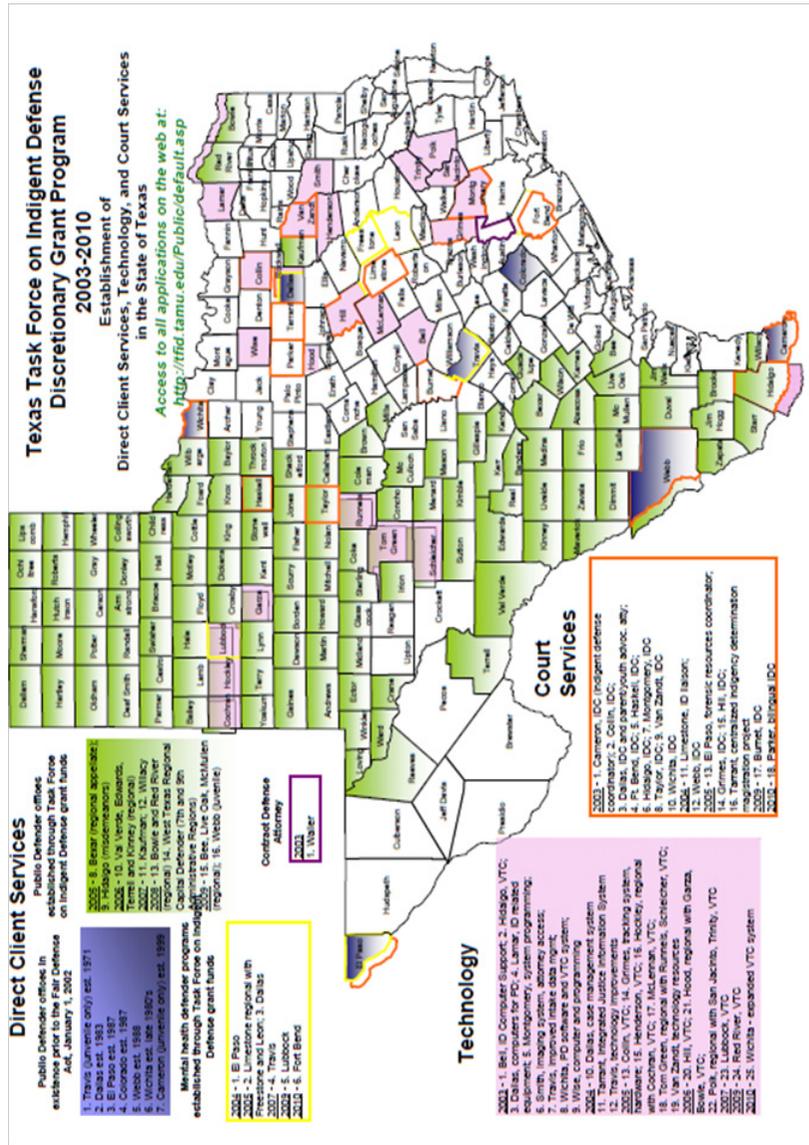
Discretionary funds are used to meet local needs, promote solutions to complex indigent defense issues and expand knowledge about indigent defense in Texas. These programs allow the Task Force to promote positive changes through local partners. The Discretionary Program includes Discretionary Grants, Targeted Specific, Technical Support, and Extraordinary Disbursements.

Discretionary grants are awarded on a competitive basis to help local government create and develop new programs or processes that improve the delivery of indigent defense services. For FY 2010 the Task Force awarded over \$3 million for new and continued single and multi-year grants. Types of programs identified as priorities by the Task Force are:

- Programs that provide direct services to indigent defendants.
- Programs that establish of public defender offices.
- Programs that establish of regional public defender offices.
- Programs that provide mental health defender services.
- Programs that provide juvenile defender services.

Discretionary Grant Programs FY 2010

County	FY2010 Program Activities	Grant Award Amount
Bee	156th District Legal Aid Program provides cost effective legal representation for indigent defendants in Bee, Live Oak and McMullen County.	\$418,586.00
Bowie	Bowie County Public Defender Initiative represents indigent defendants and respondents in all misdemeanor cases, all felony and juvenile cases in Bowie and Red River Counties.	\$298,758.40
Fort Bend	Fort Bend County Mental Health Defender Program provides trained defense counsel and social workers to assist in early identification of mentally ill offenders and representation of these offenders through the court process for felony and misdemeanor offenses.	\$517,824.00
Kaufman	Public Defender Initiative for Kaufman County assures indigent defendants are properly represented and afforded their constitutional rights.	\$84,128.00
Limestone	Mental Health Mental Retardation Defense Program for Limestone County created a contract attorney system staffed by attorneys who have a history dealing with MHMR clients in the criminal justice system.	\$1,962.00
Lubbock	Regional Public Defender for Capital Cases is a regional public defender for capital cases for counties in the 7th and 9th Administrative Judicial Regions.	\$782,436.80
Lubbock	The Lubbock Special Needs Defenders' Office became Texas' first mental health managed assigned counsel program. Indigent defendants are provided with qualified attorneys and case workers to represent them in their criminal cases and connect them to available services.	\$290,520.00
Parker	Parker County Bilingual Indigent Defense Coordinator creates a new position for a bilingual Indigent Defense Coordinator. (County did not implement)	\$52,450.00
Travis	Travis County Mental Health Public Defender Office, staffed with attorneys, social/case workers, and two administrative positions, represents clients in their criminal cases and will help connect them to available services and treatment options.* MHPD supports the Mental Health (MH) Wheel attorneys to provide representation to their clients.	\$220,517.20
Val Verde	Val Verde County Regional Public Defender Program provides cost effective legal representation for indigent defendants. A non-profit corporation contracts with the county to operate the public defender office to serve indigent defendants and juvenile respondents. (program ended in FY2010).	\$68,002.60
Webb	The Webb County Public Defender's Office established a juvenile defense unit.	\$243,382.20
Wichita	Attorney-Client Video Conferencing Project for Wichita County uses video-conferencing system that allows access to incarcerated defendants by court-appointed attorneys.	\$20,750.00
Willacy	The Willacy County Public Defender Program provides cost effective advocates and ensure proper legal representation for indigent defendants.	\$89,832.00
	Total	\$3,089,149.20



Targeted Specific Funding. The Task Force uses this solutions-based program to promote compliance and encourage counties to quickly address issues raised in compliance monitoring. A county may request assistance to address specific issues identified in site visits or compliance monitoring visits. The Task Force staff works with counties to develop appropriate program elements and evaluation measures to address compliance issues related to the Fair Defense Act.

In 2010 Cameron County received \$40,330 to expand their indigence screening and determination process. As a result of this funding, the county moved toward compliance by increasing timely appointments from effectively 0% to over 84%. The county will be measured again this coming year. Additionally, Dallas County was found to have a low timely magistration and appointment rate for defendants arrested and held at the local city jails. The County received \$256,773 in FY2010 to set up a videoconference system to allow magistrates access to all city jails by December 2010.

Technical Support Funding. The Task Force coordinates with counties to develop technical support projects to improve indigent defense services. Many types of technical support projects may be initiated, but all projects must raise the knowledge base about indigent defense or establish processes that may be replicated by other jurisdictions.

As County Judge of Red River County, I am extremely proud of the fact that our county, with a population of less than 14,000 citizens, has one of the few Public Defender's offices in rural Texas. I am constantly in contact with rural County Judges. As you know, most of the 254 counties of Texas are still considered rural counties and most of them have less than 20,000 people. I am encouraging them to get with counties with larger populations and work up a similar plan to what we have in Red River and Bowie County.

The fact that we have a Public Defender saves the county from having individuals incarcerated for long lengths of time before their cases can come before the judge. In our case, the Public Defender goes to the jail daily to check on the new prisoners and if an arrangement can be made between the Public Defender's Office and the County Attorney's office, I as County Judge will meet at any time of the day to hear a plea. Therefore, we are continually moving people out of the county jail. It would be at the expense of Red River County if they stayed. Getting them out of jail is good for us and it is good for the individual that is incarcerated because he can now go back to work or to his family and pay his debt to society.

I wish every county in Texas had a Public Defender's office. I know that some might think this would be a drain on funds, but from where I sit, it would be an asset. Our defendants are ably defended in court, they do not spend long, unnecessary stretches in the jail before their case comes up, and all concerned are benefited.

Please tell those who make policy in these matters how much we in Red River County appreciate the fact that we have a Public Defender's Office.

Morris Harville,
County Judge

In FY 2010, \$50,000 was awarded to Harris County to implement attorney representation for their newly established veteran's court. This new type of problem solving court was allowed by a law passed in the last legislative session. The Task Force provided funds to allow the County to set up and document the impact of this type of specialized representation. Additionally, Lubbock County was provided \$5,000 to pay travel costs for town hall-style meetings to support the expansion of the Regional Public Defender Office for Capital Cases in the 4th, 5th, and 6th Judicial Administration Regions. The information gained will help the Task Force identify and plan for potential expansion into additional regions. Finally, Dickens County was provided technical support to develop a public defender solicitation and contract that other counties can use in future regional programs. Detailed information on Technical Support funding is located on page 39 of the Expenditure Report.

Extraordinary Disbursements. To qualify for extraordinary disbursement funding, a county must demonstrate that indigent defense expenses in the current or immediately preceding fiscal year constitute a financial hardship for the county.

In FY 2010, the Task Force awarded \$749,373 to be disbursed to seven counties—Brazoria, Brazos, Cameron, Ector, Fannin, Hill and Wharton—for extraordinary expenses. This year the requests were all driven by capital murder cases. In past years issues such as hurricanes and other types of cases impacted counties and made them eligible for extraordinary funding. Page 39 of the Expenditure Report contains more detailed information on extraordinary disbursement funding.

FY 2011 Discretionary Grants Awarded in FY 2010

The Task Force authorized staff to publish the FY 2011 Discretionary Grant Request for Applications (RFA) during FY 2010. The timeline gave counties time to plan, budget and implement new programs for the upcoming fiscal year.

Several counties relied on Task Force staff and other organizational resources to develop and plan grant program applications. In total, the grants team made 45 grants visits in FY 2010. Twenty counties submitted initial applications for 26 different programs totaling over \$18 million in requests. The Task Force made a final decision to fund 13 counties' implementation of 15 programs that will serve a total of 159 counties. New FY 2011 discretionary grants to Bell, Dickens, Harris, Lubbock, Montgomery, and Taylor Counties were awarded totaling \$7,273,776.50. Because of the staff time invested in program development, these programs will be well-situated for evaluations that can inform counties' decisions regarding the effectiveness of the systems developed. The newly funded programs are described below.

Bell County was awarded \$397,150 to build a web-based core solution that tracks the county's compliance with the Fair Defense Act from time of arrest through payment of Attorney Fee Vouchers. The focus of Bell County is to develop a system/software to support best practices for Indigent Defense that can be used in any county in Texas to aid compliance with Senate Bill 7. Through the process of continuous improvement, the software will mechanize those new practices. The software will automate the wheel so that the next qualified attorney will be automatically appointed to the case. Once that appointment happens, the attorney, defendant, and respective court personnel will be notified automatically via email and/or fax. The system will also track any changes to the wheel appointment to provide reporting to the respective courts, judges, and interested parties. A major advancement in the software will allow attorneys to submit their time electronically and the judge to approve electronically. The whole process of submitting billable time will be electronic. This will allow for the auditor's office to accept the information electronically, fulfill state reporting requirements easily, and submit for payment electronically. The software will easily track attorney compliance with the use of easy-to-read charts and graphs that will be available to the county departments, attorneys and judges. These reports will focus on the state requirements of contacting and visiting a defendant as well as grievances against an attorney and other performance measurements. The project team involves many county departments, outside resources, judges, and local attorneys. Bell County is committed to moving forward on this journey and anticipates a more transparent program and a better process for all involved.



Bell County Judge Jon Burrows. Has served as an appointed member of the Task Force by Governor Perry since 2002. He is also a Grants and Reporting Committee member.

Dickens County was awarded \$566,701 to create the Caprock Regional Public Defender Office. This will be a coordinated project with Dickens County and Texas Tech School of Law to establish a clinic and put in place a public defender that utilizes student resources to provide indigent defense services. This program will help provide a solution for the region's low appointment rate due to the lack of attorneys in the area.

Harris County was awarded \$4,150,545 in grant funding for a monumental project to establish a new pilot public defender program for indigent defendants. Up until this time Harris County has been the largest jurisdiction in the nation without a public defender program, relying instead on judicial appointments to attorneys on an appointment list. The new pilot program will be a hybrid indigent defense system that incorporates a public defender and assigned counsel that will increase predictability of costs, improve quality of representation, and include the defense bar in policy discussions.

Lubbock County was awarded \$1,570,483 to expand the West Texas Regional Public Defender for Capital Cases based in Lubbock County. The office currently serves 71 of the 85 counties in the 7th and 9th Administrative Judicial Regions. This grant will provide funding for that office to expand to the 4th, 5th and 6th regions for counties under 300,000 in population—55 more counties—for a total of 140 counties potentially served by this program.

Montgomery County was awarded \$547,400 to establish a managed assigned counsel program to provide direct client services to indigent persons with charges pending and with documented mental health issues. The county will contract with an attorney-led, non-profit agency to provide case management services, as well as maintain a list of specially trained and supervised attorneys who will provide representation to these defendants. The program in Montgomery County will be one of the first of its kind in Texas and may serve as a new model for indigent defense services in Texas.

Taylor County was awarded \$41,498 to purchase equipment to develop a multi-county videoconferencing system with Callahan and Jones Counties. Taylor County 104th District Judge Lee Hamilton stated, “The grant will help Taylor continue to provide better legal representation for indigent defendants, especially in those in jail.”

I applaud the efforts of Lubbock County to expand its successful Regional Public Defender for Capital Cases to many more counties in Texas. Thanks to their efforts and the grant from the Task Force on Indigent Defense, smaller counties can rest assured that they won't have to raise taxes to pay for defending a high-profile murder suspect. If the office continues performing like it has in West Texas, we can all be confident that capital defendants will get the highest quality defense, reducing costs for appeals and re-trials, and more importantly, reducing the likelihood of a wrongful conviction or execution.

I believe this kind of program, which will improve the quality and efficiency of our justice system while also reducing costs, is exactly the kind of program for which the state should be providing incentives with our scarce resources.

- State Senator Rodney Ellis



Continued Multi-Year Grants Awarded

In addition to new multi-year grants awarded in FY 2010, the Task Force also voted to provide discretionary grant funding to counties that were awarded multi-year grants in previous years (see description of FY 2010 Discretionary Grants above). These programs establish direct client services and provide Task Force grants funds on a diminishing schedule. In FY 2010 Task Force voted to provide the following programs with continued funding:

FY 2011 Continued Programs			
County	Year of Funding	Program Type	Award Amount
Bee	3	Regional Public Defender Office	\$298,990
Bowie	4	Regional Public Defender Office	\$174,276
Fort Bend	2	Public Defender Office – Mental Health	\$406,853
Kaufman	4	Public Defender Office	\$3,505
Lubbock	3	Managed Assigned Counsel – Mental Health	\$193,680
Lubbock	2	Regional Public Defender	\$586,828
Travis	4	Public Defender Office – Mental Health	\$73,506
Webb	3	Public Defender Division -- Juvenile	\$162,255
Willacy	4	Public Defender Office	\$74,860
		Total	\$1,974,753

Detailed information on FY 2010 Discretionary Grants and a list of counties that received these funds is located on page 38 in the Expenditure Report section of this Annual Report.

See the documentary film “A Different Kind of Law: Holistic Justice for the Mentally Ill”¹ by the Travis County Mental Health Public Defender Office (May 2010)

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/videos3/TravisCountyMHPDO2010.wmv>

Service to Counties: Useful Grant Information Available Online to Counties Considering a Discretionary Grant

The Task Force [public pages](#)¹ now offer several options to see grant information that counties can utilize when considering and/or planning to apply for a discretionary grant. Counties and the public in general have access to useful information about funded (and not funded) grants.

¹ URL for hard copy reference: <http://tfid.tamu.edu/Public/default.asp>

Task Force Funded Program Featured on PBS

The defender component of Harris County's Veteran's Court received authorization for funding by the Task Force board in December 2009. Harris County's program was modeled after long-standing problem solving courts to divert veterans from jail into recovery. The program is intended for veterans who demonstrate service-related mental health or substance abuse disorders. Treatment is provided by the Department of Veterans Affairs, helping offset some costs for the county.

The Task Force staff worked with a number of counties and other stakeholders throughout FY2010 on issues related to the implementation and operation of veteran's courts as a part of a broader effort to increase understanding about the defense attorney's vital role in problem solving courts and to improve the delivery of indigent defense. The Office of the Governor, for example, authorized funding for Travis County to establish its veteran's court and the Task Force is exploring how it may support the defender component of the program. Other counties interested in establishing new programs are encouraged to contact the Task Force Grants Team and should look for the upcoming release of the FY 2012 Request for Application for Discretionary Grants. "Uniform Justice" aired on PBS's Need to Know program in July 2010.



Fiscal Program Monitoring

The Task Force is required by Texas Government Code §71.062(a)(3) to monitor counties that receive a grant and enforce compliance by the county with the conditions of the grant, as well as state and local rules and regulations. The Uniform Grant Management Standards (UGMS) and grant rules set the monitoring criteria and priorities for counties. A total of 20 on-site visits were conducted in FY2010 (September 1, 2009 to August 31, 2010). The 20 on-site visits consisted of 12 fiscal monitoring and 8 technical assistance visits. The counties were monitored based on risk assessment scores in conjunction with the geographical area. The on-site visits reviewed counties that received \$2,621,419 in formula, \$1,475,137 in discretionary, and \$265,433 in extraordinary grants and \$2,750,391 in equalization disbursements totaling \$7,112,380.

The review process considers fiscal concerns in determining the county's risk level. Fiscal concerns are related to the adequacy and type of financial management system, baseline adjustments, administrative cost, and equipment.

GRANTS AND REPORTING

The most common recurring fiscal issues:

- Attorney Fee Vouchers – reimbursements reduced without a written explanation. Code of Criminal Procedure, Art 26.05(c).
- Indigent Defense Expenses – licensed investigation, expert, and other direct litigation incorrectly placed in category of services. Government Code, Sec. 71.0351.
- Continuing Legal Education (CLE) training hours – not consistently documented for court appointed attorneys. Texas Administrative Code, Title 1, Chapter 174.
- Financial Accounting and Reporting requirements – procedural inaccuracies in recording and reporting indigent defense expenditures. Uniform Grant Management Standards, page 68, para. 20.

Beginning with monitoring visits conducted in FY2011, the Task Force will publish finalized fiscal monitoring reports on its web site. Reports are considered final after the respective county has responded to the report and the Task Force Board has had an opportunity to review the report. The web site will list a short summary with overall findings and a link to the full report.

FY2010 Fiscal Monitoring and Technical Assistance Visits		
County	Date of Visit	Type of Visit
Travis	September 15, 2009	tech assist
Hood	October 14, 2009	tech assist
Delta	October 15, 2009	tech assist
Johnson	October 28, 2009	tech assist
Burnet	January 13, 2010	tech assist
Bexar	February 17-19, 2010	fiscal
Kaufman	February 23-25, 2010	fiscal
Bee	March 5, 2010	tech assist
Hunt	March 8, 2010	fiscal
Bowie	March 9-11, 2010	fiscal
Red River	March 11, 2010	fiscal
Llano	April 20, 2010	fiscal
Burnet	April 21, 23, 2010	fiscal
Bastrop	April 28, 2010	tech assist
Cameron	May 18-21, 2010	fiscal
Willacy	May 20, 2010	fiscal
Tom Green	June 29-30, 2010	fiscal
Runnels	July 1, 2010	tech assist
Tarrant	July 27-30, 2010	fiscal
Jefferson	August 10-13, 2010	fiscal

To promote best practices and accountability, the Task Force serves as a clearinghouse of indigent defense information via its website. The public has access to all county plans, expenditures, guides, model forms, rules, publications, e-newsletters and press releases. In addition to its numerous publications on the website, the Task Force also offers professional development educational programs to enhance understanding of the FDA.

In FY 2010, Task Force staff made 21 presentations to more than 1,300 attendees at various professional associations.

One of these was the 7th Annual Indigent Defense Workshop sponsored by the Task Force, held during FY 2010 on October 22-23, 2009. Twenty-three counties were represented by court administrators, judges, commissioners, prosecutors and public defenders. There were approximately 100 in attendance, including presenters and staff. Several organizations provided significant support to help make the workshop a success. The Bureau of Justice Assistance (BJA) in conjunction with American University conducted a technical assistance project regarding criminal caseload management over the summer with many of the counties that attended the workshop. Judge John Parnham with BJA presented the fundamental principles of effective management of criminal caseloads and offered strategies to reduce the pretrial length of stay of detained defendants. Mr. Richard Goemann, Director, National Legal Aid and Defender Association, also presented for BJA. Another national presence was Ms. Kathi Grasso from the U.S. Department of Justice who was the keynote speaker. The Texas Association of Counties (TAC) once again was an invaluable co-sponsor allowing the workshop to take place in the Events Center for third year in a row. The Office of the Governor Criminal Justice Division provided a \$25,000 grant to help offset travel expenses for the counties to attend this workshop. Video downloads of workshop presentations are now available [online](#).¹ The following counties attended the workshop: Anderson, Bell, Bexar, Brazoria, Burnet, Collin, Comal, Dallas, Denton, Fort Bend, Grayson, Harris, Lubbock, Lynn, Medina, Montgomery, Tarrant, Taylor, Travis, Val Verde, Webb, Wheeler, and Williamson. Some of the ideas that were generated in workgroups by counties were: earlier identification of mentally ill offenders; encourage collaboration between court and jail, law enforcement, DA; monthly meeting; expedite filings; consider a mental health court, and encourage interviewing clients as soon as possible after arrest.

Other State and National Indigent Defense Initiatives

In addition to presenting at the U.S. Department of Justice National Symposium on Indigent Defense and the Indigent Defense Summit mentioned previously in the Executive Summary of this Annual Report, there was also the following:

National Legal Aid and Defender Association. The State of Louisiana recently passed a comprehensive set of reforms to improve the delivery of indigent defense services. The Louisiana State Public Defender asked the National Legal Aid and Defender Association (NLADA) to do a program evaluation of Louisiana's 15th Judicial District which includes Lafayette, Crowley, and Abbeville. NLADA asked Jim Bethke, Director of the Task Force and Wesley Shackelford, Deputy Director/Special Counsel of the Task Force to be part of this evaluation team in large part because of improvements Texas has made in bettering its indigent defense system after the passage of the Fair Defense Act in 2001.

¹ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/videos2.htm>

American Bar Association – Standing Committee on Legal Aid and Indigent Defendants (SCLAID).

The Director, Jim Bethke, along with Norman Lefstein, Professor of Law and Dean Emeritus of the Indiana University School of Law and a co-author of *Justice Denied*, visited the San Mateo County Private Defender Program in California. They interviewed staff members, several lawyers of all levels of experience, program mentors and lawyers being mentored, as well as judges of the Superior Court. They noted that one of the important parts of the success of the program was the “the culture of respect” that exists and within which the program was obviously thriving. Two programs in Texas have been modeled after the San Mateo County program. One in Lubbock County (the special needs defender) and the other in Montgomery County (the mental health managed assigned counsel program). This program will be addressed in a book being written by Dean Lefstein.

e-Newsletters

After each Task Force meeting, staff issues a newsletter by email to over 1500 county and other justice system stakeholders. Newsletters provide counties with information regarding grant application deadlines, instructions on applying for grants, monitor findings, new rules, forms, studies, publications and stories featuring other counties’ systems to share successful examples for other counties to learn from. Since 2002, twenty-four e-newsletters¹ have been issued.

New Informational Brochures

Staff developed several brochures over FY 2010 to assist in providing information about the expansion of the regional capital public defender office,² the discretionary grant program³ and general information about the Task Force.⁴



Website

To stay current on the latest happenings regarding indigent defense in Texas and around the nation, go to www.txcourts.gov/tfid. As of November 30, 2010, there have been 33,652 distinct visits out of 89,023 page hits to the public access site since its inception on September 23, 2003.

¹ URL for hard copy reference: http://www.courts.state.tx.us/tfid/e-newsletters_archives.asp

² URL for hard copy reference: <http://www.txcourts.gov/tfid/pdf/RCPDOPanningAugus2010.pdf>

³ URL for hard copy reference: <http://www.txcourts.gov/tfid/pdf/Discretionarygrant.pdf>

⁴ URL for hard copy reference: <http://www.courts.state.tx.us/tfid/pdf/TFIDBrochure.pdf>

Technical Assistance

In addition to monitoring, technical assistance is available to local jurisdictions. The assistance may be via phone or on-site. The staff, including the Director, travel to many jurisdictions across the state. In FY 2010 staff conducted site work in 25 counties for a variety of purposes. Visits were related to program improvements, grant funding, and expenditure reporting. The Task Force places a high priority on communication and training and educating all stakeholders in the indigent defense process. This assistance may be in the form of presentation or perhaps an informal meeting requested by a county grappling with spikes in spending, process-related challenges and the like. The sharing of information between the state and local jurisdiction benefits not only the local jurisdiction, but the state comes away from these meetings or presentations with a better understanding of local challenges. As a result, the state is better able to meet the needs of the local jurisdiction, and it is not uncommon for process changes to be implemented by the locals that benefit not only the county, but the client as well. Whatever a county's issues or needs are with regard to indigent defense, counties are encouraged to ask for technical assistance.

Communication, Education, Collaboration

This chart illustrates the various ways in which the Task Force communicates and collaborates with and educates criminal justice stakeholders about indigent defense. In FY 2010, Task Force staff made presentations, site visits, and provided trainings to more than 1,500 participants.

Presentations by board members and Task Force staff at professionally sponsored conferences (approximately 1,300 attendees)

These presentations present information about the Fair Defense Act, the Task Force's mission, goals and strategies and information is presented on best practices derived from studies undertaken regarding public defense processes. The Director often is the presenter. At times the staff member over a particular program area will co-present. Also if a board member or colleague will be attending the program, that person or persons will also co-present.

21 such presentations were made to professionally sponsored conferences with over 1,300 in attendance to some of the following:

- Texas Association of Court Administrators (Corpus Christi, 11/12)
- Texas Association of Counties (Corpus Christi, 11/18)
- United States Department of Justice (DC, 2/17)
- Texas Indigent Defense Summit (Austin, 2/24)
- Tarrant County District Attorneys and Tarrant County Criminal Defense Association (Ft. Worth, 2/26)
- University of Texas San Antonio (3/3)
- The Center for American and International Law (Plano, 3/8)
- University of Houston School of Law (Houston, 4/26)
- Fifth Administrative Judicial Region Meeting (South Padre, 5/6)
- South Texas County Judges and Commissioners (San Marcos, 6/24)

90 On-Site Visits to 59 counties

Fiscal Monitor: total of 20 on-site visits were conducted in FY2010. The 20 on-site visits consisted of 12 fiscal monitoring and 8 technical assistance visits. Fiscal monitor visits relate to the adequacy of financial management and statistical reporting systems.

Policy Monitor: total of 7 counties received on-site visits in FY2010. Policy monitor visits relate to compliance with policies outlined in the county indigent defense plan. Multiple visits to Bexar County were made in FY10 for a requested assessment of the county's indigent defense system.

Grant program specialists: 45 visits to counties who requested assistance by Grants Team (Grant Program Specialists) with program development

Other on-site/technical assistance: 18 visits to counties were made to provide technical assistance as requested by a county, either in the form of a presentation or an informal meeting regarding spending or process related challenges.

7th Annual Indigent Defense Workshop (approximately 100 attendees)

100 attendees, including elected officials, key decision-makers, representing 21 counties attended 10/22-10/23/2009.

The title of the workshop: Systems Thinking Solutions

The workshop had local, state and federal participation and demonstrated what's working around the state, national presenters from BJA/American University, hot topics, and 90-day action plans were developed by counties by participating in small work groups; video downloads of the workshop presentations are available on the website: <http://www.courts.state.tx.us/tfid/videos2.htm>

Successes in improving processes were achieved in several ways:

Bell county applied for discretionary grant and received one to put into place a web-based indigent defense appointment and compliance monitoring system and associated process changes

Lubbock applied for discretionary grant and received one to expand the regional capital public defender

Montgomery County applied for discretionary grant and received one to create a Mental Health Regional Mental Health Court

In addition

Website

As of December 9, 2010 there have been 33,857 distinct visits out of 89,440 page hits to the public access site since its inception on September 23, 2003. Multiple visits from one ip address on a day are counted as one distinct visit. The website communicates to the public and counties by keeping all plan, expenditure reporting data, links to studies, links to model forms that may assist counties with processes, links to resources.

e-Newsletter

Distributed to approximately 1,500 email addresses derived from database of contact information. The newsletter is distributed after each Task Force meeting which is three-four times a year.

Administration of Innocence Projects

Through the General Appropriations Act, the Texas Legislature in 2005 provided for the allocation of funds to the state’s public law schools to support their work investigating claims of innocence by incarcerated individuals. The Task Force on Indigent Defense is currently responsible for administering the \$800,000 allocation for FY 2010 – 2011 (\$100,000 a year per school) to each of the four public law schools in Texas: University of Houston School of Law; University of Texas School of Law; Texas Tech University School of Law; and Texas Southern University’s Thurgood Marshall School of Law.

Among the highlights of the year was the award of the first posthumous pardon in Texas history to Timothy Cole in February 2010. Mr. Cole was a client of Texas Tech’s innocence project. His earlier exoneration resulted in the passage of two laws named in his honor by the 81st Texas Legislature. The first is the Tim Cole Act, which increases compensation for wrongfully convicted exonerees to \$80,000 for each year wrongly incarcerated, in addition to lifetime annuity payments. The legislature also created the Timothy Cole Advisory Panel on Wrongful Convictions to examine the cause of wrongful convictions and identify reforms to help prevent future wrongful convictions. The panel was formed under the auspices of the Task Force on Indigent Defense and its recommendations are discussed elsewhere in this report.

Each of these law schools has an operational innocence project. Working with instructors and staff, law students are responsible for screening and investigating claims by Texas inmates of actual innocence of the crimes for which they were convicted.

The Task Force partnered with the Public Policy Research Institute at Texas A&M University to create a centralized, internet-based reporting system to provide easy access and accountability for performance among the projects. The system standardizes performance data by the Innocence Project sites, and then summarizes those results in a form that is easily accessible to project administrators, Task Force staff, legislators, advocates, and the general public. In this way, the online system eliminates confusion regarding which project is accountable for individual cases, resulting in more efficient use of resources. The [online system](http://innocence.tamu.edu/Public)¹ is appended to the current Task Force website used to administer indigent defense program funds to Texas counties.

Law Schools	FY 2010
University of Houston	60,378
University of Texas	\$92,623
Texas Southern University	\$91,010
Texas Tech University	\$96,450
Total Expended	\$340,461

¹ URL for hard copy reference: <http://innocence.tamu.edu/Public>

Highlights from the FY 2010 annual reports from each of the innocence projects:

University of Houston School of Law (University of Houston Innocence Project)

During FY 2010, the University of Houston Innocence Project received and processed 1,255 requests for assistance from inmates, 660 of which contained claims of actual innocence. In total, 424 cases were screened following receipt of the inmate questionnaire. In the fiscal year 138 new investigations were initiated, 77 investigations were completed, and 313 investigations remain open. A total of 78 students participated in the program, providing 5,670 hours of work.

University of Texas Law School (Texas Center for Actual Innocence)

In FY 2010, the Texas Center for Actual Innocence received 1209 requests for assistance. Screening was initiated in 768 cases, although due to a backlog all of these cases were from requests received in the previous fiscal year. The program also expanded to include journalism students in the clinic's work with a total of nine journalism students participating. In total, 34 law and journalism students participated during the fiscal year, providing 3,569 hours of client services.

The Texas Center for Actual Innocence also completed work investigating a murder case from Dallas County in which Claude Simmons, Jr. and Christopher Scott were convicted of murder during the course of a robbery. The clinic represented Mr. Simmons while the Dallas Public Defender represented Mr. Scott to assure there was no conflict of interest. During an interview by clinic staff and students, a witness to the crime confessed his involvement in the crime, implicated a third party and exonerated Mr. Simmons and Mr. Scott. Mr. Simmons, Mr. Scott and the witness, Mr. Hardy, were all subject to a polygraph examinations. The two men originally convicted of the offense, Claude Simmons and Christopher Scott, were released from custody on October 23, 2009 and were granted relief on the basis of actual innocence by the Texas Court of Criminal Appeals on March 3, 2010. The two men identified through the course of the investigation as the actual perpetrators are currently being prosecuted by the Dallas County District Attorney's Office.

Texas Southern University/Thurgood Marshall School of Law (Innocence Project)

During the fiscal year, the innocence project became an independent clinical program with classes beginning in January 2010 that are separate from the criminal law clinic. Task Force staff conducted a follow-up monitoring visit in April 2010 and found that the program had made strides to improve the project including the hiring of an instructor/staff attorney, developing a case management system, and a protocol manual to guide students on effective handling of innocence claims.

The project received 153 incoming requests from inmates, 39 questionnaires were sent to inmates for further information, and 32 questionnaires were returned and placed on the investigation list. Four new investigations were initiated during the year, making the total number of open investigations ten. In FY 2010, the number of participating law students increased from four to 16 and these students provided 403 hours of work for the project.

Texas Tech University School of Law (Innocence Project of Texas)

The Innocence Project of Texas received and processed 1,539 requests for assistance in FY 2010. Of these, 216 individuals made claims of actual innocence and were sent questionnaires to obtain additional information about their cases.

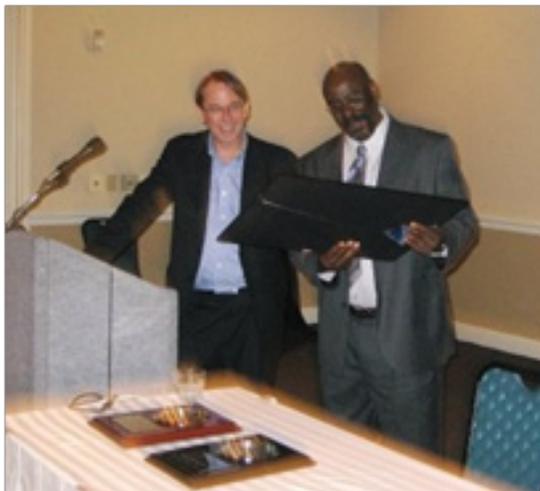
OTHER PROGRAMS AND INITIATIVES

During the fiscal year, the project referred 43 cases to other institutions and initiated legal remedies in 8 cases. The Innocence Project of Texas is comprised of 19 law students and 11 forensic science students who together completed over 5,300 hours of work for the year.

Of particular note is the work conducted by the Innocence Project of Texas in the cases of Timothy Cole and James Woodard who were previously exonerated via DNA evidence. Mr. Woodard was pardoned by Governor Perry in September 2009 and Mr. Cole was pardoned in February 2010.

CJD Grant for Innocence Project Coordinator

In November the Task Force was awarded a one-year \$300,000 grant from the Criminal Justice Division of the Office of the Governor to provide additional support for the innocence projects to investigate claims of actual innocence in sexual assault cases. The grant also makes possible the implementation of one of recommendations of the Timothy Cole Advisory Panel on Wrongful Convictions. One of the legislative charges made to the Cole Advisory Panel was to evaluate the need and feasibility of creating an innocence commission in Texas. In a special meeting of the Cole Panel's subcommittee, representatives of the four state law school-based innocence projects, and other stakeholders, a consensus was reached that it was not necessary or feasible to create an innocence commission. Instead, the group recommended that the state build upon the existing work of the innocence projects to augment their reporting regarding issues and problems identified in the course of their work. Because the four projects are autonomous and lack formal, centralized coordination, it was recommended that the Task Force create a position to facilitate coordination among the projects, administer the innocence project grant program, and coordinate enhanced reporting from the projects that addresses causes of wrongful convictions identified in the course of their work. This position will also facilitate the ability of the innocence projects to serve as a resource for local officials and criminal justice stakeholders on issues related to best practices for the prevention of wrongful convictions. The Task Force has dedicated a portion of the grant to hiring an innocence project coordinator, who began work in December.



Above right: James Woodard receiving pardon, Jeff Blackburn pictured above left

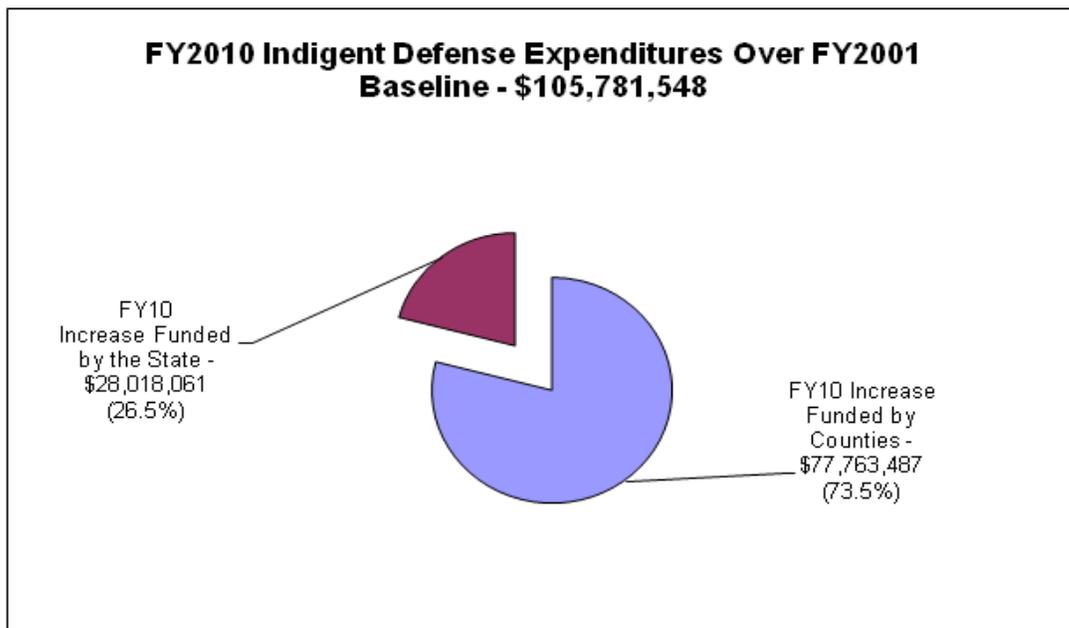
Task Force Law Student Interns

The Task Force has an association with the University of Texas School of Law (due in very large part to the late Professor Dawson) and frequently has interns from each of these programs join the Task Force. The Task Force is appreciative of Eden Harrington, Assistant Dean of Clinical Education & Public Service, Director of the William Wayne Justice Center for Public Interest Law, and a Clinical Professor at the Law School who oversees the internship program. The law students assist the Task Force by reviewing county indigent defense plans for elements that are required by the Fair Defense Act and the Task Force for grant eligibility. They also assist with publications and research. The Task Force thanks UT School of Law interns Jessa Haugebak, Nicole Bartel, and Timothy Hooper who worked during FY 2010. The Task Force also thanks Austin Shell, a Texas Southern University student participating in the Texas Legislative Intern Program (TLIP) and Senator Rodney Ellis who serves as advisor to the interns, while his office assists in coordinating on-site activities.

EXPENDITURE REPORT

I. Expenditures

This year, county indigent defense expenses totaled \$194,511,257 compared to FY 2009 recorded expenses of \$186,382,932 and FY08 recorded expenses of \$174,148,674. To help offset increased costs, counties are eligible to receive grants and other funds to cover expenses above their fiscal year 2001 baseline expenditures. This year, the state provided over \$28 million in funding to counties through two funding streams, Formula--which consists of Formula Grants, Direct Disbursements, and Equalization Disbursements, and Discretionary--which encompasses Discretionary Grants, Extraordinary Disbursements, Technical Support Disbursements and Targeted Specific Disbursements. Fiscal Year 2010 total expenditure of \$194,511,257 represents an increase of \$105,781,548 over Fiscal Year 2001 expenditures (baseline). The state provided funding for \$28,018,061 (26.5%) of that increase.



2010 Indigent Defense Expenditure Distribution

The breakdown of direct court-related (assigned and contract) and other (public defender, regional, and administrative) expenses is:

Direct Court-Related Costs				Total of Direct ID Costs
Attorney Fees	Licensed Investigators	Expert Witness	Other Direct Litigation Costs	
\$151,241,997.67	\$4,686,788.81	\$5,528,626.49	\$5,797,107.65	\$167,254,520.62
90.43%	2.80%	3.31%	3.47%	
Other Costs				\$0.00
16 Counties reported Public Defender Office expenses				\$24,050,762.17
County payments for Regional Programs				\$545,633.09
26 Counties claimed increased Administrative Costs (over 2001)				\$2,660,341.06
Total				\$194,511,256.94

EXPENDITURE REPORT

II. Funding (Revenue)

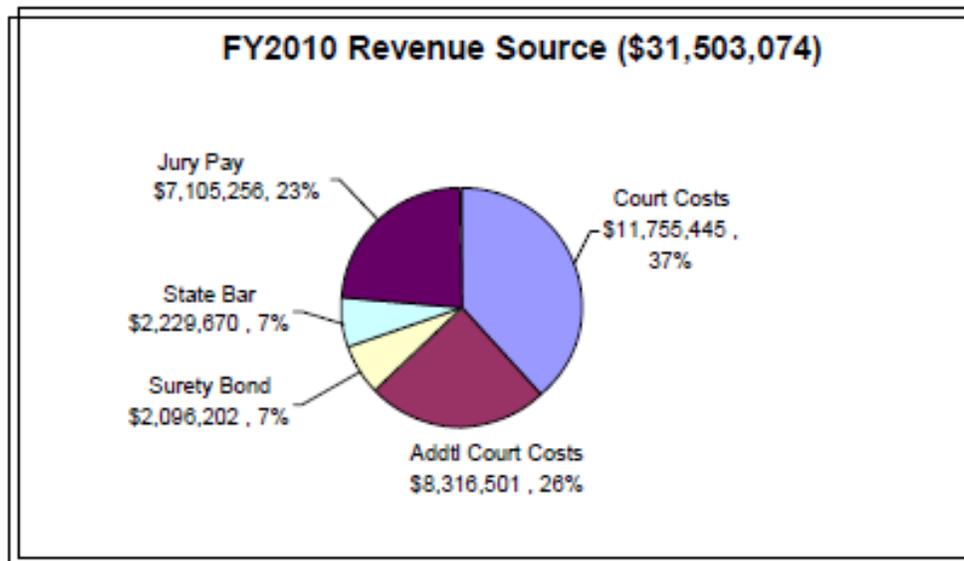
Distributing state funds to assist counties in meeting their constitutional and statutory duties to improve indigent defense services is a critical responsibility of the Task Force. The primary source of funding for the Task Force is court costs and fees. Court costs and fees are paid upon a defendant's conviction of offenses ranging from misdemeanors to felonies. This fiscal year, \$11,755,445 was collected compared to \$11,907,439 in FY 2009 and \$12,388,295 in FY 2008.

The Task Force also receives funding from surety bond fees and State Bar fees. Of the surety bond fees collected, one-third goes to the Fair Defense Account and the remaining balance goes to support longevity pay for prosecutors. This year, the Task Force received just over \$2 million from surety bond fees.

One-half of the legal services fees collected through the State Bar are allocated to the Fair Defense Account. This fiscal year, the Task Force received \$2,229,670 from State Bar fees. The Task Force designates funds collected from this fee to fund single and multi-year discretionary grant proposals whose priorities include establishing public defender offices, regional public defender offices, mental health defender services, and programs that provide direct services to indigent defendants.

S.B. 1704 (Jury Pay), 79th Legislature, R.S., created a \$4 court cost payable upon conviction for any offense, excluding pedestrian or parking related offenses. This court cost is deposited to the jury service fund. When the fund exceeds \$10 million, the overage is transferred to the Fair Defense Account. These funds are appropriated to the Task Force to reimburse counties for the costs of providing indigent defense services. This fiscal year the Task Force received \$7.1 million from the jury service fund. In FY2009, the Task Force received \$7.2 million.

H.B. 1267 (Additional Court Costs), 80th Legislature, R.S., ensures that indigent inmate defense is governed by the Fair Defense Act. The bill also created a \$2 fee on criminal convictions to be used for indigent defense services. The fee was originally expected to generate about \$7.9 million in revenue annually. This fiscal year \$8.3 million was collected compared to \$7.9 million collected in FY2009.



EXPENDITURE REPORT

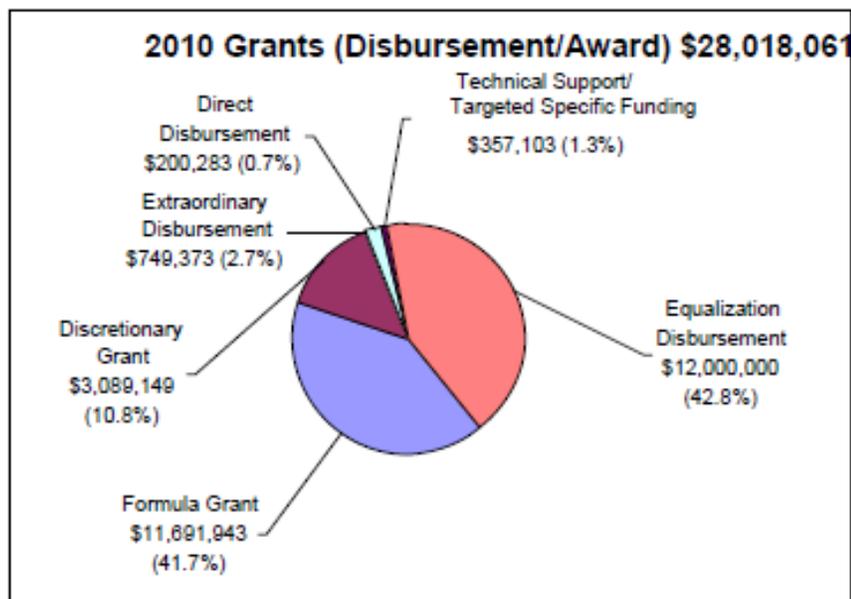
III. Operating Budget for Fiscal Year 2010

Budget Category	FY10 Expended Total	FY09 Comparative Total
Salaries & Wages	\$595,791	\$481,338
Other Personnel Cost	\$12,920	\$18,209
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees & Services	\$2,987	\$18,509
In-State Travel	\$34,295	\$25,171
Out-of State Travel	\$3,889	\$5,135
Training	\$2,270	\$2,165
Postage	\$2,187	\$2,225
Materials & Supplies	\$11,771	\$2,485
Printing & Reproduction	\$1,244	\$815
Maintenance & Repairs	\$6,887	\$0
Telecommunications	\$10,640	\$6,404
Rentals & Leases	\$3,344	\$3,238
Other Operating Expenses	\$161,534	\$147,575
Indigent Inmate Defense Claim	\$0	\$106,280
Innocence Project	\$340,461	\$364,812
Mental Health Study/SJI Grant ⁽¹⁾	\$92,662	\$194,364
Formula Grant ⁽²⁾	\$11,691,943	\$11,728,773
Discretionary Grant ⁽³⁾	\$3,089,149	\$3,807,656
Equalization Disbursement	\$12,000,000	\$12,000,000
Extraordinary Disbursement	\$749,373	\$575,003
Direct Disbursement	\$200,283	\$131,523
Technical Assistance/Targeted Specific	\$357,103	\$211,028
Capital Outlay	\$0	\$0
Total	\$29,372,785	\$29,834,732
Method of Finance Category	FY10 Method of Finance	FY09 Method of Finance
Court Costs	\$11,755,445	\$11,907,439
Surety Bond Fee	\$2,096,202	\$2,069,079
State Bar Fee	\$2,229,670	\$2,168,043
Jury Pay Fee	\$7,105,256	\$7,296,221
New Court Costs	\$8,316,501	\$7,594,006
Total Revenue	\$31,503,074	\$31,034,788
FY08 Carryover Funds		\$6,669,707
FY09 Carryover Funds	\$7,869,763	(\$7,869,763)
FY10 Carryover Funds ⁽⁴⁾	(\$10,000,051)	
Total MOF	\$29,372,785	\$29,834,732
⁽¹⁾ Research project partially funded with grant for State Justice Institute.		
⁽²⁾ The actual amount expended for FY09 Formula Grants totaled \$11,602,774 based on the indigent defense expenditure reports submitted by counties. Amount listed for FY10 Formula Grant is award amount.		
⁽³⁾ The actual amount expended for FY09 Discretionary Grants totaled \$3,078,815. Amount listed for FY10 Discretionary Grant is award amount.		
⁽⁴⁾ FY10 Jury Pay revenue in the amount of \$7,105,256 was deposited after August 31, 2010.		

EXPENDITURE REPORT

This fiscal year, the Task Force expended \$715,293 for administrative costs from the Fair Defense Account. Administrative costs represent 2.3% of the total amount expended. These expenses included salaries for ten full-time staff, travel for board members and staff, an on-line data system that provides public access through the internet of all county plans and expense information submitted by courts and counties, and other administrative functions as shown in chart above.

IV. Grant Section



Formula Grant

Formula grants provide money to counties for increased indigent defense costs that arise from improved indigent defense services using a standard allocation formula. Funds are distributed based on a floor award amount, with the remainder based on a county's percent of population. Funds are distributed to all counties that apply, document their increased expenditures, and maintain a countywide indigent defense plan that complies with statutes and standards requirements set by the Task Force.

This fiscal year, the Task Force awarded formula grants to two hundred eighteen (218) counties totaling \$11,691,943. Formula grants represent 41.7% of total grant funding. (See Appendix A for a complete listing of FY 2010 grant awards.)

Direct Disbursement

The Direct Disbursement grant category gives small counties that have low incidences of crime and low indigent defense costs a way, if needed, to receive funding apart from applying for a Formula Grant. Small counties often do not have sufficient indigent defense expenses to earn grant funds using the formula grant methodology. Two-thirds of the funds that would have been allocated to counties that do not apply for a formula grant are budgeted for direct disbursement. If a county has indigent defense expenses above its baseline year amount, that county is eligible to receive funding based on requirements set by the Task Force, subject to availability of funds.

In FY 2010, thirty-six (36) counties did not apply for a formula grant and were, therefore, eligible to receive a direct disbursement if they incurred indigent defense expenses above their baseline amount. A county may decide not to apply for a grant if the county did not expend any of its previous grant award or the county does not anticipate increased indigent defense costs over the baseline amount. The total amount disbursed under this category was \$200,283. This amount represents 0.7% of total grant funding. Table 2 lists all counties that received a direct disbursement.

County	Amount Disbursed
Borden	\$2,750
Briscoe	\$582
Crockett	\$6,910
Delta	\$4,456
Dickens	\$6,446
Edwards	\$1,515
Fisher	\$2,366
Foard	\$11,294
Jeff Davis	\$7,227
Jim Hogg	\$7,769
Jim Wells	\$34,496
Karnes	\$11,882
Lavaca	\$13,682
Martin	\$6,700
Maverick	\$28,443
Nolan	\$11,450
Oldham	\$5,970
Rains	\$6,851
Stonewall	\$2,242
Uvalde	\$16,925
Zavala	\$10,327
Total (21 counties)	\$200,283

Equalization Disbursement

This fiscal year the Task Force made twelve million dollars (\$12,000,000) available for Equalization Disbursements. This amount represents 42.8% of total grant funding. These disbursements provide additional state funds to counties with the lowest percentage of state reimbursements compared to overall increased indigent defense costs. With this funding, the Task Force was able to reimburse qualifying counties for at least 29% of their increased indigent defense costs.

Ninety-nine (99) counties received payment under this program. The size of payments varied from \$33 to over \$2,000,000. See Table 4 for listing of disbursements.

EXPENDITURE REPORT

Table 4: Equalization Disbursements

County	Amount Disbursed	County	Amount Disbursed	County	Amount Disbursed
Anderson	\$32,496	Galveston	\$203,571	Nacogdoches	\$22,260
Angelina	\$5,077	Gray	\$147,937	Navarro	\$52,052
Atascosa	\$29,287	Gregg	\$66,175	Nueces	\$396,288
Bastrop	\$60,467	Guadalupe	\$4,602	Panola	\$8,976
Bell	\$167,295	Hardin	\$5,768	Parker	\$71,969
Bexar	\$1,070,201	Harris	\$2,084,649	Polk	\$56,385
Brazoria	\$160,974	Harrison	\$6,947	Rains	\$15,981
Brazos	\$84,941	Hartley	\$358	Reagan	\$3,928
Brown	\$34,837	Hays	\$9,663	Reeves	\$1,116
Burleson	\$15,267	Henderson	\$54,858	Refugio	\$1,406
Burnet	\$36,658	Hidalgo	\$863,443	Rockwall	\$931
Caldwell	\$18,953	Hood	\$23,318	Rusk	\$26,366
Cameron	\$133,744	Houston	\$20,992	San Augustine	\$3,470
Carson	\$4,386	Hunt	\$220,481	San Jacinto	\$4,484
Cass	\$12,834	Hutchinson	\$23,460	Smith	\$71,365
Comanche	\$1,383	Jasper	\$24,224	Sutton	\$9,970
Concho	\$1,373	Johnson	\$71,425	Tarrant	\$1,249,054
Coryell	\$23,043	Jones	\$1,593	Taylor	\$19,540
Crockett	\$13,044	Karnes	\$930	Titus	\$16,946
Dallas	\$553,169	Kendall	\$5,529	Travis	\$296,882
Denton	\$97,588	Kerr	\$29,415	Upshur	\$15,690
Eastland	\$29,645	Kimble	\$727	Upton	\$33
Ector	\$17,953	Lamar	\$79,178	Van Zandt	\$8,366
El Paso	\$849,717	Lampasas	\$3,196	Victoria	\$49,572
Ellis	\$117,576	Lee	\$1,416	Walker	\$83,586
Falls	\$5,484	Liberty	\$59,810	Waller	\$33,066
Fannin	\$53,704	Limestone	\$5,391	Wharton	\$8,411
Fayette	\$8,115	Lubbock	\$133,657	Wichita	\$124,531
Foard	\$70	Matagorda	\$311	Wilbarger	\$3,775
Fort Bend	\$519,798	McLennan	\$245,500	Williamson	\$106,815
Freestone	\$21,824	Milam	\$2,912	Winkler	\$1,964
Frio	\$5,769	Montgomery	\$598,497	Wise	\$32,714
		Moore	\$5,047	Young	\$3,774
		Morris	\$6,682	Total	\$12,000,000
				Counties	99

EXPENDITURE REPORT

Discretionary Grant

The Task Force also distributes funds in the form of discretionary grants. Discretionary grants are awarded on a competitive basis to assist counties to develop new, innovative programs or processes to improve the delivery of indigent defense services. A county can apply for a single-year or a multi-year grant. Single-year grants pay up to 100% of an awarded activity on a reimbursement basis. Multi-year grants require a cash match, and funding for a grant project is available for up to four years. Applications for discretionary grants are reviewed and scored by a select committee prior to being presented to the Grants and Reporting Committee and the full Task Force.

This year's multi-year grant established a mental health public defender office for Fort Bend County. Two single year grants were awarded--a bilingual indigent defense coordinator for Parker County and attorney-client video conferencing for Wichita County. The total amount awarded for all discretionary grants in FY 2010 was \$3,089,149, which is 10.8% of total grant funding. A summary of each funded program is shown in Table 5.

Table 5: Discretionary Grant Awards

County	Grant Number	Program Title	Grant Award Amount
Fort Bend	212-10-D18	Mental Health Public Defender Office	\$517,824
		Sub-Total (New Multi Year)	\$517,824
Limestone	212-50-D04	Mental Health/Mental Retardation Contract Defense Program	\$1,962
Val Verde	212-60-D06	Regional Public Defender Program	\$68,003
Kaufman	212-70-D07	Public Defender Initiative	\$84,128
Travis	212-70-D08	Mental Health Public Defender Office	\$220,517
Willacy	212-70-D09	Public Defender Program	\$89,832
Bowie	212-80-D10	Bowie Co. Public Defender Initiative	\$298,758
Lubbock	212-80-D11	Regional Public Defender – Capital cases	\$782,437
Bee	212-90-D12	Regional Public Defender	\$418,586
Lubbock	212-90-D14	Mental Health Private Defender Program	\$290,520
Webb	212-90-D16	Juvenile Public Defender	\$243,382
		Sub-Total (Continued Multi Year)	\$2,498,125
Parker	212-10-D19	Bilingual Indigent Defense Coordinator	\$52,450
Wichita	212-10-D20	Attorney-Client Video Conferencing	\$20,750
		Sub-Total (New Single Year)	\$73,200
		Total – Multi / Continued Multi / Single	\$3,089,149

EXPENDITURE REPORT

Extraordinary Disbursement

The Task Force distributed \$749,373 in extraordinary disbursement funding in FY 2010 to seven counties. This amount represents 2.7% of total grant funding. To qualify for this funding, a county must demonstrate indigent defense expenses in the current and/or immediately preceding county fiscal year constituting a financial hardship for the county. Each request is evaluated on a case-by-case basis against other requests and the amount of funds available, with \$100,000 historically being the maximum amount a county may receive. Table 3 details the funds disbursed under this program.

Table 3: Extraordinary Disbursements

County	Requested Amount	Amount Disbursed
Brazoria	\$248,000	\$99,000
Brazos	\$245,428	\$99,000
Cameron	\$475,576	\$199,000
Ector	\$298,732	\$99,000
Fannin	\$85,795	\$84,795
Hill	\$73,490	\$72,490
Wharton	\$97,088	\$96,088
Total	\$1,524,109	\$749,373

Technical Support / Targeted Specific Funding

The Task Force coordinates with counties to develop technical support projects to improve indigent defense services. All projects should raise the knowledge base about indigent defense or establish processes that have the potential to be model programs. In FY 10, \$50,000 was awarded to Harris County to establish a veteran's court. Lubbock County was provided \$5,000 to train and inform courts and counties in the 4th, 5th and 6th Administrative Judicial regions about the regional public defender for capital cases. Dickens County was also provided \$5,000 to assist with the implementation of the Caprock Regional Public Defender Office.

The Task Force staff works with counties to develop appropriate program elements and evaluation measures to address compliance issues related to the Fair Defense Act, and targeted funding is available to address specific issues identified by staff in site or compliance monitoring visits. Under targeted specific funding, Cameron County received \$40,330 for indigent defense screening and case facilitation. Dallas County was awarded \$256,773 to enhance and expand its videoconference system.

Total amount designated for Technical Support/Targeted Specific is \$357,103, which is 1.3% of total grant funding.

V. Other

Innocence Projects

The Task Force continues to implement a rider that directs up to \$800,000 each biennium to innocence projects for the law schools at the University of Houston, the University of Texas, Texas Southern University and Texas Tech University to assist people wrongly convicted of crimes. When an investigation reveals a potentially provable case of actual innocence, the projects then work to pursue remedies for the inmate through the courts or clemency procedures. Innocence projects involve law students working under supervision of professors. This fiscal year, expenditures totaled \$272,614. Expenditures for FY 2006 through 2010 are shown in the Table below.

Table 6: Innocence Project Expenditures

Law School	FY 06	FY 07	FY 08	FY 09	FY10	Total
University of Houston	\$86,293	\$113,707	\$100,000	\$96,731	\$60,378	\$457,109
University of Texas	\$79,109	\$106,372	\$65,887	\$125,845	\$92,623	\$469,836
Texas Southern University	\$0	\$17,500	\$29,167	\$42,236	\$91,010	\$179,912
Texas Tech University	\$99,901	\$99,988	\$100,000	\$100,000	\$96,450	\$496,339
Total Expended	\$265,303	\$337,567	\$295,053	\$364,812	\$340,461	\$1,603,197

Appendix A - FY 2010 Formula Grant Awards

Anderson	\$30,103	Coryell	\$39,164	Hays	\$68,346	McCulloch	\$8,640
Andrews	\$10,965	Crane	\$6,749	Hemphill	\$6,590	McLennan	\$105,802
Angelina	\$41,902	Crosby	\$7,845	Henderson	\$40,206	Medina	\$24,633
Aransas	\$16,308	Dallam	\$7,781	Hidalgo	\$328,153	Menard	\$6,046
Archer	\$9,083	Dallas	\$1,063,283	Hill	\$20,720	Midland	\$61,243
Atascosa	\$24,324	Dawson	\$11,200	Hockley	\$14,886	Milam	\$16,337
Austin	\$17,099	Deaf Smith	\$13,322	Hood	\$27,618	Mills	\$7,320
Bandera	\$14,120	Denton	\$284,418	Hopkins	\$20,184	Mitchell	\$9,221
Bastrop	\$37,325	DeWitt	\$14,021	Houston	\$15,486	Montague	\$13,814
Baylor	\$6,801	Donley	\$6,783	Howard	\$19,504	Montgomery	\$194,624
Bee	\$19,707	Duval	\$10,464	Hudspeth	\$6,536	Moore	\$13,816
Bell	\$128,631	Eastland	\$13,125	Hunt	\$42,406	Morris	\$10,861
Bexar	\$714,473	Ector	\$62,312	Hutchinson	\$15,105	Nacogdoches	\$32,897
Blanco	\$9,193	El Paso	\$338,722	Irion	\$5,761	Navarro	\$26,903
Bosque	\$13,196	Ellis	\$69,273	Jack	\$8,934	Newton	\$11,297
Bowie	\$46,528	Erath	\$20,838	Jackson	\$11,598	Nueces	\$147,689
Brazoria	\$137,066	Falls	\$12,926	Jasper	\$20,764	Ochiltree	\$9,152
Brazos	\$80,653	Fannin	\$20,392	Jefferson	\$114,459	Orange	\$42,518
Brewster	\$9,126	Fayette	\$15,700	Johnson	\$74,479	Palo Pinto	\$17,446
Brooks	\$8,425	Fort Bend	\$237,953	Jones	\$14,035	Panola	\$15,405
Brown	\$22,229	Franklin	\$9,790	Kaufman	\$48,566	Parker	\$54,038
Burleson	\$13,087	Freestone	\$13,744	Kendall	\$19,455	Parmer	\$9,294
Burnet	\$24,333	Frio	\$12,303	Kent	\$5,363	Pecos	\$12,342
Caldwell	\$20,955	Gaines	\$11,766	Kerr	\$26,199	Polk	\$25,593
Calhoun	\$14,320	Galveston	\$132,746	Kimble	\$7,077	Potter	\$59,191
Callahan	\$11,178	Garza	\$7,251	Kinney	\$6,460	Presidio	\$8,606
Cameron	\$179,427	Gillespie	\$15,816	Kleberg	\$18,512	Randall	\$57,311
Camp	\$10,709	Goliad	\$8,243	Knox	\$6,690	Reagan	\$6,514
Carson	\$7,848	Gonzales	\$13,535	Lamar	\$27,194	Real	\$6,466
Cass	\$18,583	Gray	\$15,051	Lamb	\$11,348	Red River	\$11,088
Castro	\$8,358	Grayson	\$57,842	Lampasas	\$14,375	Reeves	\$10,092
Chambers	\$19,789	Gregg	\$57,677	Lee	\$12,741	Refugio	\$8,288
Cherokee	\$26,846	Grimes	\$16,077	Leon	\$12,137	Roberts	\$5,375
Childress	\$8,426	Guadalupe	\$58,008	Liberty	\$39,476	Robertson	\$12,118
Clay	\$9,925	Hale	\$20,725	Limestone	\$14,836	Rockwall	\$37,845
Cochran	\$6,537	Hall	\$6,578	Lipscomb	\$6,420	Runnels	\$9,789
Coke	\$6,681	Hamilton	\$8,794	Llano	\$13,555	Rusk	\$26,530
Coleman	\$8,827	Hansford	\$7,277	Loving	\$5,028	Sabine	\$9,619
Collin	\$338,664	Hardeman	\$6,937	Lubbock	\$122,369	San Augustine	\$9,075
Collingsworth	\$6,362	Hardin	\$27,942	Lynn	\$7,645	San Jacinto	\$16,552
Colorado	\$14,670	Harris	\$1,750,845	Madison	\$11,161	San Patricio	\$35,803
Comal	\$53,150	Harrison	\$33,615	Marion	\$9,728	San Saba	\$7,698
Comanche	\$11,323	Hartley	\$7,522	Mason	\$6,636	Schleicher	\$6,319
Cooke	\$22,883	Haskell	\$7,477	Matagorda	\$21,408	Scurry	\$12,283

Shackelford	\$6,516
Shelby	\$16,446
Sherman	\$6,382
Smith	\$93,480
Somervell	\$8,619
Starr	\$32,894
Stephens	\$9,342
Sterling	\$5,531
Sutton	\$6,905
Swisher	\$8,564
Tarrant	\$769,003
Taylor	\$62,160
Terrell	\$5,447
Terry	\$10,404
Titus	\$18,590
Tom Green	\$50,866
Travis	\$430,945
Trinity	\$11,383
Tyler	\$14,422
Upshur	\$21,651
Upton	\$6,417
Val Verde	\$26,305
Van Zandt	\$28,329
Victoria	\$43,615
Walker	\$33,595
Waller	\$22,315
Ward	\$9,491
Washington	\$19,586
Webb	\$111,827
Wharton	\$23,812
Wheeler	\$7,229
Wichita	\$62,742
Wilbarger	\$11,480
Willacy	\$14,364
Williamson	\$174,799
Wilson	\$23,406
Winkler	\$8,048
Wise	\$30,922
Wood	\$23,751
Yoakum	\$8,263
Young	\$13,164
Zapata	\$11,321
Total	\$11,691,943