



TEXAS INDIGENT DEFENSE COMMISSION

**FY 2025 NEW IMPROVEMENT GRANT
APPLICATION APPENDIX**

JUNE 24, 2024

GRANTS AND REPORTING COMMITTEE MEETING – 1:30 P.M.

Zoom Meeting/YouTube Streamed Live:

[TIDC YouTube Channel](#)



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Brazos County

FY 2025 Multi-Year Grant Request

Juvenile, Mental Health, and Appellate Division Expansion

<-----Projected----->

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$3,271,187	\$3,198,687	\$3,198,687	\$3,198,687
County Match	\$654,237	\$1,279,475	\$1,919,212	\$2,558,950
FY25 Grant Request	\$2,616,949	\$1,919,212	\$1,279,475	\$639,737
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Brazos County seeks grant funds for the Brazos County Public Defender's Office (BCPDO), established in 2022 with an American Rescue Plan Act (ARPA) Grant from TIDC, to continue operations beyond the 2-year ARPA grant, to add an appellate defender, a juvenile division, and mental health division. With 23 FTEs, the County plans to address the critical shortage of qualified public defenders amidst a significant increase in adult criminal cases, which has led to prolonged detention times, overloaded court dockets, and compromised legal representation for indigent defendants.

The County seeks to hire one appellate defender to provide support for public defenders and private attorneys representing indigent clients.

BCPDO proposes the establishment of a Mental Health Division that will focus on improving outcomes for clients with serious mental illnesses by integrating specialized legal representation with comprehensive case management. The MH division would consist of one mental health caseworker and one attorney specializing in the intersection of mental health law and the criminal justice system.

The County has experienced an increase of juvenile cases filed in the last few years and the BCPDO seeks to address that by creating a juvenile division consisting of two juvenile defenders, an investigator, a caseworker, and a legal support staff member.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

**2025 Brazos County Improvement Grant Application Narrative
Juvenile, Mental Health, and Appellate Division Expansion
Multi-year**

a. Application FormCounties Represented: **Brazos**Fiscal Year: **2025**State Payee Identification Number: **17460004330038**Division To Administer Grant: **Brazos County Public Defenders Office**Program Title: **Juvenile, Mental Health, and Appellate Division Expansion**Requested Grant Amount: **\$3,271,186.86**Authorized Official: **Duane Peters**Financial Officer: **Katie Conner**Program Director: **Nathan Wood**Mailing Address: **200 South Texas Avenue; Suite 126; Bryan, TX 77803****b. Introduction (Executive Summary)**

Following the COVID-19 pandemic and the backlog of criminal cases it created for the criminal courts of Brazos County, TIDC provided grant funds for FY2023 and FY2024 that created and implemented the Brazos County Public Defender's Office. Since establishing the BCPDO, the criminal defense bar has not significantly increased in numbers, and the courts continue to struggle appointing qualified attorneys to aggravated cases. These initial grant funds were approved as part of a funding plan to transition the BCPDO to a standard 4-year Improvement Grant after the first two years of grant funding. (See FY2022 Improvement Grant Statement of Award Attachment A, No. 1). Brazos County now seeks additional grant funds to expand the small public defender's office it established in 2022. The grant funds requested in this application will be used to continue the BCPDO's current operations and to establish new programs with eye toward future expansion into regional counties in the Brazos Valley.

c. Problem Statement

Continuing and Expanding Our Representation of Indigent Adults Charged with Felony and/or Misdemeanor Offenses in Brazos County

Brazos County continues to face a critical shortage of qualified public defenders amidst a significant increase in adult criminal cases, leading to prolonged detention times, overloaded court dockets, and compromised legal representation for indigent defendants.

Despite criminal case numbers trending upward in Brazos County, the number of attorneys taking appointments has declined overall since 2019. As of April 5, 2024, not counting public defenders, there are 12 attorneys taking "3g" appointments (down from 21 in 2019 and 13 at the time of the County's original 2022 grant application), 22 attorneys taking felony appointments (down from 36 in 2019 but up from 18 at the time of the County's '22 grant application), 17 attorneys taking misdemeanor appointments (down from 36 in 2019 and 19 at the time of the County's '22 grant application), and two attorneys taking appellate appointments.

The number of adult criminal cases filed into Brazos County courts is rising while the criminal courts continue to experience difficulties in appointing qualified attorneys on aggravated and non -aggravated cases. According to data from the Second Administrative Judicial Region, Brazos County added 3,000 criminal cases to the district courts' dockets in 2023. That is a sharp increase from 2,103 in 2021 and 2,317 in 2022.

The number of case dispositions also continues to increase despite the decline in the number of attorneys available to take appointments on criminal cases. This situation implies that indigent defense is inadequately funded and staffed in Brazos County.

Fewer attorneys handling more cases can lead to each attorney having a higher caseload. This often results in less time available per case, which can affect the quality of representation each defendant receives. Overworked attorneys may struggle to provide thorough, diligent defense services, which is crucial for fair legal proceedings.

With higher caseloads and fewer attorneys, there's an increased risk that legal defenses may not be as robust or well-prepared, potentially compromising defendants' rights to effective counsel as guaranteed by law. This can lead to suboptimal outcomes for defendants, including possible wrongful convictions or harsher sentences than might be warranted if more thorough defenses were possible.

A lack of available and qualified attorneys can lead to longer jail stays for defendants awaiting trial or final case dispositions. This not only has significant human and social costs but also financial implications for Brazos County in terms of higher jail staffing and operational costs.

Consistently high caseloads, coupled with a perception of rushed or inadequate legal representation, erodes public confidence in the justice system's ability to administer justice fairly and effectively.

Creating a New Mental Health Division

In Brazos County, along with the rest of Texas, the intersection of mental health and criminal justice presents a critical challenge. The state's largest mental health facilities are notably its jails, with Harris and Dallas County jails at the forefront, underscoring a systemic issue: a significant portion of the incarcerated population suffers from serious mental illnesses. These individuals often cycle through a costly loop of jails, emergency rooms, and homeless services. This recurring pattern not only highlights the inadequacy of current mental health interventions within the criminal justice system but also emphasizes the urgent need for dedicated legal and support services tailored to this vulnerable population.

The Brazos County Public Defender's Office, recognizing these issues, proposes the establishment of a Mental Health Division. This division will focus on improving outcomes for clients with SMIs by integrating specialized legal representation with comprehensive case management. This approach is not only more humane but also cost-effective, as it aims to reduce the frequency of jail admissions and the length of stay for this demographic, thus alleviating the financial strain on local systems.

Formal and informal data collections, including studies by the Texas Commission on Jail Standards and the Meadows Mental Health Policy Institute, highlight that a significant portion of the jail population with mental health needs could benefit immensely from targeted legal and support services. This initiative will address the gap in services at the crucial intersection of mental health and criminal justice, aiming to transform the current punitive cycle into one of recovery and rehabilitation, ultimately fostering a safer and more just community.

Creating a New Juvenile Division

In 2020-21, Brazos County added 260 and 236 juvenile cases to its court dockets respectively. Then, in 2022, 401 juvenile cases were added. That number increased to 553 in 2023. Historically, Brazos County has contracted with a private law firm to provide representation in indigent juvenile cases. But, the contract has remained static while the number of juvenile cases filed has sharply increased since the Covid-19 pandemic.

Representing juveniles charged with felony and misdemeanor offenses in Brazos County is specialized work that cannot be effectively handled by public defenders otherwise representing adult offenders. The juvenile docket in Brazos County routinely holds detention hearings four days each week, and those hearings frequently last through lunch due to the quantity of cases being filed. The Brazos County District Attorney's Office, which is responsible for juvenile prosecution, has devoted three prosecutors, an investigator, an administrative support staff, and a shared victim assistance coordinator to the juvenile docket.

d. Objectives

1. The BCPDO is dedicated to enhancing its team by drawing fresh talent to the work of indigent defense in Brazos County, thus broadening the pool of qualified attorneys available for appointments within the area. Initially, the BCPDO was granted funded for six attorney positions, all of which have been successfully filled. Notably, five of the attorneys now serving PDO clients had not been previously involved in representing indigent defendants in Brazos County before joining the PDO. This expansion through the establishment of the BCPDO effectively

increased the total count of attorneys engaged in indigent defense work by five. By increasing the number of attorneys in our office, we seek to further increase the number of attorneys engaged in indigent defense work within Brazos County.

2. The BCPDO is committed to securing appointments in a sufficient quantity of cases to ensure that defenders maintain caseloads aligned with, yet not exceeding, the TIDC's recommended guidelines. We understand that these guidelines represent a maximum, rather than a minimum, threshold. Our aim is to achieve an optimal equilibrium among caseloads, workloads, and the caliber of representation provided, continually striving for the highest standard of legal defense.
3. The BCPDO began accepting cases on March 17, 2023, and achieved its goal of representing 25% of new misdemeanor appointed cases within the first year of accepting cases. While the County does not track the total number of appointments made, the BCPDO fills up 25% of the slots on the misdemeanor appointments wheel. The BCPDO's goal for the second year is to increase our caseloads on felony and "3g" cases so that we are receiving at least 10% of the new appointments on those case types.
4. Continuing Current Operations: If the BCPDO receives funding sufficient to continue its current operations, BCPDO would seek to set its overall adult criminal caseload at no more than approximately 478 misdemeanor cases per year (between 3 defenders, one of whom splits her caseload between misdemeanors and felonies and another attorney with a split caseload of appeals), 242 felonies (between 3 defenders, two of whom split their caseload with 3g felonies), 158 3g felonies (between 3 defenders with split caseloads) and 16 appeals (with one defender splitting his caseload between misdemeanors and appeals).
5. New Program Funding: A fully staffed BCPDO funded at the proposed levels would strive to set its adult criminal caseloads at no more than 956 misdemeanors per year (between 4 defenders), 483 felonies per year (between 3 defenders and the Chief Public Defender) and 31 appeals (for 1 defender). This does not include mental health or juvenile cases being handled by those other proposed expansions of the BCPDO.
6. New Program Funding (Juvenile): The BCPDO will begin taking juvenile appointments as soon as qualified juvenile defenders are hired. The proposed juvenile division consists of two juvenile defenders and an investigator exclusively dedicated to juvenile cases. An additional caseworker and legal support staff member are also requested - both of whom would split their time between juvenile cases and adult cases, with priority being given to juvenile cases. Operating within TIDC caseload guidelines, the BCPDO would strive to set juvenile caseloads at no more than the recommended caseload guidelines for juvenile cases with investigator support.
7. New Program Funding (Mental Health): The BCPDO will collaborate with the Commissioner's Court (pursuant to Art. 26.044(b) of the Code of Criminal Procedure) and the Indigent Defense Coordinator as necessary to establish a specialized division to take most mental health cases in Brazos County. This specialized division will consist of one mental health case worker and one attorney specializing in the intersection of mental health law and the criminal justice system. The goals of the Mental Health Division will include:
 - a. Collaborating with prosecutors, judges, the Brazos County Jail, the local mental health authority, and local law enforcement to resolve cases to the benefit of clients as well as the community;
 - b. Reducing jail populations by rapidly meeting with clients in jail to improve medical compliance and reduce decompensation, and advocate for earlier pretrial release under mental health personal bonds or bond reductions;
 - c. Avoid unnecessary competency evaluations and the lengthy periods of incarceration that accompany them;
 - d. Reduce recidivism by connecting clients with mental health and social services;
 - e. When necessary, engage in zealous and expert advocacy in Brazos County courts to achieve the best possible outcomes for clients with mental illness.
8. All new clients will be contacted within 72 hours upon receipt of the Order Appointing.
9. The BCPDO will strive to interview all new clients within 10 business days following appointment.
10. The BCPDO will attempt to reduce the duration of pretrial incarceration for all clients. We will achieve this by seeking bond reductions unless there is a clear strategic reason for not doing so.
11. Once appointed, public defenders will continue representing clients at all phases of prosecution, and caseworkers will continue working with clients even after cases are disposed.
12. In-house staff including investigators and caseworkers will be utilized to ensure efficient and thorough plans of action for clients.

13. As the BCPDO reaches full staffing and is efficiently achieving its goals within the County, the BCPDO will seek to expand into a regional office.

14. TIDC caseload guidelines and procedures will be followed.

e. Activities

Brazos County intends to use TIDC grant funding to expand the Public Defender's Office to meet the ever-increasing demands placed on the County's criminal court dockets.

The Brazos County Public Defender's Office ("BCPDO") will use these funds to increase its staff, thereby increasing the number of cases it is able to receive by appointment, while also maintaining ethical caseloads. The BCPDO will increase the number of public defenders taking appointments on adult felonies and misdemeanors from six to nine.

The BCPDO will also create a Juvenile Division and a Mental Health Division to help meet the County's growing needs in these areas as well. Alongside new attorney positions, the BCPDO will hire non-attorney support staff at a level consistent with TIDC recommendations based on national standards and local need. Attorney caseloads are calculated based on the assumption of investigator support.

Once given grant approval, the Chief Public Defender will prepare and present a FY 2025 budget to the Commissioner's Court. Once this budget is approved, the BCPDO Operating Plan will be revised as necessary to provide for Juvenile and Mental Health caseloads, and the revised Operating Plan will be presented to the Advisory Board for Approval. New job descriptions will be created to delineate job responsibilities and set competitive salaries. Then the vacant positions will be listed and advertised. Interviews will be conducted and the best candidates will be hired for each position. Once new staff are hired, any required training will take place and additional cases will be requested to meet the BCPDO's increased capacity for representation.

The BCPDO will continue working with the Indigent Defense Coordinator and Courts to revise the Indigent Defense Plan as necessary. The BCPDO will continue to work closely with the Indigent Defense Coordinator to ensure that all jailed defendants who qualify for services are accounted for and receiving services. The Advisory Board will meet quarterly to monitor progress, discuss issues as they arise, and take action as needed.

The Chief Public Defender will have weekly meetings with staff attorneys to discuss caseloads and other matters related to exceptional representation of clients. Opportunities will be provided for training and education for attorneys and non-attorney staff so that all employees may be up to date with best practices for their positions. All positions will receive annual performance evaluations conducted by the Chief Public Defender and the Office Manager to provide valuable feedback to employees.

The BCPDO will accommodate an increased staff size by using its current office space (which accommodates 10 full time employees), available conference rooms throughout the County Admin Building, and by using a Telecommuting Policy outlined in the BCPDO Operating Plan. Computer equipment, software and other office supplies are also provided for in the grant proposal. These funds will be used to provide equipment and supplies as new staff is hired.

The BCPDO plans on expanding to 101 N. Texas Avenue in Bryan. The County acquired an office building at that location (formerly, the Bryan ISD Building). After conducting a feasibility study and consulting with architects, the County plans on demolishing the existing building and building new county offices there. The County intends to relocate the BCPDO into that building once complete. Current plans will accommodate significant growth even beyond the expansion proposed in the current grant application.

As new staff are hired and trained, the Chief Public Defender will coordinate an increased number of appointed cases for the BCPDO with the Indigent Defense Coordinator. Cases will be assigned based on considerations of caseload and workload as well as attorney qualifications. Attorneys will initiate contact with clients as soon as possible, and certainly within 72 hours of the case being appointed to the PDO. Attorneys will work cases diligently by interviewing clients within 10 business days of receiving the case, maintaining effective communication with all

clients through the entire representation, representing the client in court during all court appearances, collaborating with other BCPDO team members as necessary, and generally complying with the State Bar Performance Guidelines for Non-Capital Criminal Defense Representation.

f. Evaluation

The Advisory Board in conjunction with the Chief Public Defender will monitor the program's progress and efficiency. This will include monitoring and adjusting the balance between attorney caseloads, workloads, and annual dispositions. Specific, quantitative goals based on case complexity (stated above) are to be clearly communicated to all attorneys and monitored and discussed at weekly meetings. In addition to tracking caseload and disposition, the Chief Public Defender, with the assistance of the Office Manager, will also evaluate progress and efficiency based on other quantifiable metrics such as: days to contact new clients, days to the initial interview of new clients, days from appointment till disposition, number of bond reductions sought and achieved, number of days PDO clients spend in jail pending disposition, reductions and dismissals, as well as number of jury trials and verdicts.

Quantifiable metrics only give part of the full picture, however, when it comes to the quality of the representation being provided by criminal defense attorneys. The Chief Public Defender will continue to use the State Bar Performance Guidelines for Non-Capital Criminal Defense Representation as a measure of the quality of representation being provided. Additionally, the Chief Public Defender will establish procedures for measuring client satisfaction and case outcomes. Finally, the Chief Public Defender will set goals for training, mentorship and skill development for attorneys and staff members.

The Chief Public Defender will handle required grant status reporting to TIDC and the Brazos County Auditor will handle all financial reporting as required by statute. The Chief Public Defender will provide information requested by the County Auditor to achieve timely completion of required expenditure reports.

Migration to New Case Management System: The BCPDO currently combines the use of Clio as well as Microsoft Excel to track case details. The BCPDO plans to migrate to Public Defender Case Management Software provided by Legal Server. This would allow the BCPDO to implement a more robust case management system that would allow more efficient and accurate tracking of case details and outcomes as well as provide real-time data on caseload distribution and attorney workload.

The BCPDO will also conduct regular meetings to review caseloads, case progress, discuss challenges, and make adjustments to caseloads when necessary. The Chief Public Defender and the Office Manager will also establish feedback mechanisms where attorneys and staff can report back on their workloads, issues they may encounter, and suggestions for improvement. This feedback will incorporate peer review as well, and - ideally - will also include an option for client feedback as well.

The BCPDO will monitor data and work with the administrative staff for the jail to monitor inmate populations, compliance with internal guidelines regarding timeliness of case processing, and to provide data on cost effectiveness.

Annually the BCPDO will submit a report, approved by the oversight board, to Commissioners Court that documents the activities of the office to include costs, case dispositions, and statistical information that the Chief would include for the Court to be informed of successes and failures, benchmarks achieved, and future goals.

g. Future Funding

Brazos County takes the responsibility of indigent defense seriously and the Brazos County Public Defender's Office is a critical piece of the county's long-term indigent defense strategy. The County is committed to providing high-quality representation to indigent defendants. TIDC has helped the County to establish a small Public Defender's Office, and with continued help, the County would see that office expand to cover juvenile and mental health caseloads as well as increased coverage of adult misdemeanor and felony cases - all within TIDC caseload guidelines.

The County's future commitment includes an understanding that this improvement grant includes a requirement of matching funds as the County's program moves forward. Specifically, this entails 4 years of funding with step-down reimbursement.

Brazos County is committed to continuing the program after the grant period as well. Plans are currently underway for the County to build new county offices at 101 N. Texas Avenue in Bryan. This facility will include office space that will allow for significant growth and future regional expansion for the Brazos County Public Defender's Office.

By expanding the program, Brazos County hopes that the PDO will grow to handle as much as 70 percent of the County's indigent defense caseload.

h. Budget Narrative and Budget Form

INTRODUCTION

THE FOLLOWING IS THE PROPOSED BUDGET FOR FISCAL YEAR 2025. THIS NARRATIVE IS FORMATTED TO ADDRESS THE FUNDING FOR THE PROPOSED JUVENILE, MENTAL HEALTH, AND APPELLATE JOB POSITIONS. IT ALSO ADDRESSES THE ADDITIONAL OPERATIONAL FUNDING NECESSARY FOR ATTORNEYS AND STAFF TO PERFORM EFFECTIVE LEGAL REPRESENTATION AND HOLISTIC ADVOCACY FOR ITS CLIENTS.

I. PROPOSED NEW POSITIONS

1. Juvenile Defender: There are two (2) Juvenile Defender positions being requested. One position will be budgeted at \$130,000.00 per year for a Chief Juvenile Defender, preferably Board Certified in Juvenile Criminal Law and at least ten (10) years' experience in criminal law; and the other position will be budgeted for \$105,000.00 per year for an attorney with five (5) years or less experience in criminal law/juvenile law.
2. Mental Health Defender: One (1) position is being requested for a Mental Health Defender. This position is budgeted at \$120,000.00 per year with the expectation that they will have a minimum of ten (10) years' experience in criminal law, with at least five (5) years of that experience specialized in mental health caseloads.
3. Appellate Defender: One (1) Appellate Defender position is being requested. This person will handle only court appointed Appeals and provide legal support for public defenders and private attorneys representing indigent clients. The position will pay \$110,000.00 per year. It is preferred that the individual is Board Certified in Appeals or Criminal Law, however, a minimum of five (5) years' experience in criminal law is required.
4. Public Defender: Two (2) public defender positions are being requested. One position will be for a Felony Defender with at least five (5) years' experience in criminal law at \$105,000.00 per year. Primary caseloads will be felony offenses ranging from State Jail to First Degree felonies. The second position is for a Misdemeanor Defender at \$87,500. This position does not require experience but does require an individual to be a licensed attorney with the State Bar of Texas. Primary caseloads will be Class A and B misdemeanors.
5. Case Worker: Two (2) caseworkers are being requested at \$60,000 per year. This salary will fit the educational and professional requirements necessary to fill the position with effective holistic case assistance. One case worker will focus on juvenile clients, while the other will focus on assisting the mental health defender with client caseloads and obtaining resources that best suit client needs.
6. Investigator: Two (2) investigators are being requested at \$72,000 per year. Investigators are necessary to assist defenders with representation through the piecing together of mitigating and outside information regarding clients that may not have been available otherwise. Investigators utilize search engines, investigative questioning, and resources to gather information for the attorneys to use in defense of client's case. Technological advances will require specialized training and continuing education of the investigator. Their salary will need to be closely on par with investigators of the District Attorney, County Attorney, and various Law Enforcement Agency's Investigative Units.
7. Legal Assistant: Two (2) legal assistants are being requested to manage attorneys and their caseloads. One position is being requested at \$46,000.00 per year and the other position is being requested for \$42,000 per year. The minimum educational level required is a high school diploma, however, a college degree (or some college) is

preferred. What the individual is paid will be based on experience and ability to communicate expertise effectively.

8. Receptionist: One (1) receptionist position is requested. The proposed salary is \$35,000.00 per year.

II. PROPOSED FRINGE BENEFITS

1. FICA: FICA for the proposed new salaries will increase the budget \$80,669.25. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the proposed new salaries will increase the budget \$179,265.00. It is calculated at a rate of 17% of the individual's gross pay.
3. Health Insurance: Health insurance for the proposed new salaries will increase the budget \$220,896.00. It is currently \$16,992.00 per year per employee.
4. Worker's Compensation: Worker's Compensation for the proposed new salaries will increase the budget \$1,238.88. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

III. PROPOSED OPERATIONAL EXPENSES

1. Conference & Seminar: An additional \$20,000 will be added to the budget for conference and seminar spending. This will account for the cost of the increase in staff positions as well as the increase in cost of their specialties. Conferences with training for mental health, juvenile, and board-certified staff and attorneys will require more funding. This training is essential to their ability to stay up to date on legislative amendments, the latest in investigative techniques, and holistic service delivery innovations.
2. Travel: An additional \$21,127.00 will be added to the budget for travel expenses related to expenses for trainings, conferences, and seminars. This will include spending on mileage, hotels, per diem, parking and tolls during conferences and seminars.
3. Office Supplies: An additional \$9,056.00 will be added to the budget for office supplies. Growing the number of attorneys and staff will require additional supplies needed for these employees.
4. Copier/Printer/Fax Supplies: It will be necessary for this budget to increase by \$2,000.00 due to the increase in staff and attorneys.
5. Gas: The Ford Escape was purchased by Brazos County for the Public Defenders Office to use for general purposes. Its primary uses include transportation to conferences, client meetings, and investigations. It will be necessary to increase this budget by \$4,000 to compensate for the increase in the attorneys and staff.
6. Furniture: The proposed increase to the furniture budget will be an additional \$23,000.00. This cost will be to provide the new attorneys and staff with desks and chairs. It will also cover the cost of any desks and chairs necessary for the current attorneys and staff. It will also include book shelves and conference room tables.
7. Telephone: The proposed cost for spending on a phone system is \$2,500.00. This is anticipated to be a necessary system to provide easy of access in transferring phone calls to the appropriate individual over the computer instead of manually through the phone.
8. Technology: The cost to provide technological equipment for the additional attorneys and staff is \$40,000.00. The addition to the current budget is \$35,736.00.
9. Scanners: Scanners cost \$1,000.00 each. Each case worker, legal assistant, and the receptionist will receive one for a total of \$5,000.00 for the budget.
10. Cellphones: The proposed increase to the cellphone budget will add \$10,800.00 to the current budget to account for the new attorneys and staff.
11. Court Costs: The proposed increase to the court cost is only an additional \$2,000.00 to the current budget. The current court cost budget has been utilized for interpreters for Spanish speaking clients. It is our expectation that the cost for interpreters will decrease when new staff are hired due to hiring bilingual staff. However, the budget for this fund will need to remain significant to afford clients the ability to ascertain expert witness testimony necessary to their defense.

12. Printing: The printing budget is proposed to increase by \$4,500.00. In part this funding will go toward business cards for attorneys and staff. The administrative team would also like to provide printed information to clients and their families regarding services provided by the PDO. This information can be disseminated in the office, at the jail, and various outreaches around the community.
13. Long Distance: The addition of \$1,000.00 for long distance funding will ensure there is a budget to make phone calls necessary to witnesses, experts, and various long-distance resources valuable to client defense development.
14. Subscriptions & Publications: The additional funding for the budget is \$12,000.00 for subscriptions and publications. This will provide the PDO with the necessary budget to provide attorneys and staff with law books, supplemental research material, and case specific trial material necessary to building effective defenses for clients.
15. Copier/Printer/Fax Maintenance: There is a \$700.00 increase to this budget being requested. With the increase in usage from the increase in staff, it is likely there will be additional maintenance costs associated with this increase in use.
16. Lexis Nexis: The contract for FY 2025 will increase to \$20,000.00 for the entire year for Lexis Nexis which will be a \$13,376.00 increase to the current budget. The cost will be billed monthly. This legal software is used for legal/case law research and is the investigative background check tool used by our investigator.
17. Legal Server: The contract proposal for Legal Server is estimated to cost around \$85,000.00 to implement along with the one year of service. Legal Server is a case management software for managing data, client information, and case information.

IV. TABLE: SALARIES & FRINGE BENEFITS

Table is included in attachment

The total cost of new positions is \$1,536,569.13.

V. TABLE: OPERATIONAL EXPENDITURES

The total cost of increased operational expenses is \$251,795.00.

Table is included in attachment

INTRODUCTION

THE BRAZOS COUNTY PUBLIC DEFENDERS OFFICE IS CURRENTLY FUNDED THROUGH A TWO-YEAR IMPROVEMENT GRANT. THIS SECTION OF THE BUDGET NARRATIVE PROPOSES CONTINUED FUNDING FOR THE CURRENT POSITIONS WITH INCREASE IN SALARIES AND PAY FOR THOSE POSITIONS FOLLOWED BY CONTINUED FUNDING FOR THE CURRENT OPERATIONAL EXPENSES.

VI. CONTINUED FUNDING FOR CURRENT POSITIONS

WITH PROPOSED PAY INCREASES:

1. Chief Public Defender: The Chief Public Defender position request is \$145,000.00 per year. The Chief is currently salaried at \$130,000.00. The original salary proposed for the position was \$140,000.00 to start FY 2022. The County salaried the position at \$130,000.00 and it was the only position that did not receive a COLA increase in FY 2024. The growth of the Public Defenders' Office will mean that the administrative and caseload responsibilities of the Chief will continue to grow as well. The salary for this position should increase in accordance with the growth in administrative responsibilities, staffing, improvement divisions and case load as well as pay parity with county/district attorneys and/or their first assistants. (First Assistant-County Attorney-\$148,428.80; First Assistant-District Attorney-\$165,000.16)
2. Public Defenders: Five (5) attorney positions are currently funded under the current grant. It is requested that funding resume under the Multi-Year Improvement Grant. This includes two (2) Felony Defender positions and three (3) misdemeanor positions. One Felony Defender position, currently funded at \$108,153.00, is requested to increase to \$120,650.00 based on attorney experience and board certification. The second Felony Defender position is budgeted at \$119,998.98 and is requested to increase to \$132,500.00 based on the attorney's years of

experience and qualification to represent clients on capital cases. There is an attorney position budgeted for \$83,000.00 with a request to increase the salary to \$90,500.00, an attorney position budgeted for \$93,001.00 proposed with a proposal to increase to \$100,500.00, and finally a position budgeted for \$105,000.00 with a proposal to increase to \$112,500.00. Each of these final three increases is based on years of experience and expertise for misdemeanor and felony case loads.

3. Investigator: The current salary for the investigator is \$74,000.00. It is proposed that this position's salary is increased to \$81,500.00 due to increase in felony caseloads and the increase in enhanced and 3g cases.
4. Case Worker: The current salary for the case worker position is \$66,340.00. The requested salary for the Case Worker position is \$70,000.00. This request is based on the number of cases and attorneys the case worker is collaborating with in order to connect with clients and understand which resources would best meet their current and future needs. The case worker also collaborates with organizations in the community to network and stay informed and connected, maintaining a relationship that cultivates the mission and vision of the PDO.
5. Administrative Clerk: The requested salary for the Administrative Clerk position is \$54, 225.00. The current yearly pay for this position is \$54,225.00. It is requested that this amount position be raised to \$58,000.00 due to years of experience, training and experience with the legal system in Brazos County, and the increase in caseload-in particular at the intake and disposition phase of cases.
6. Office Manager: The current salary for the Office Manager position is \$71,136.00. The position is requested to be funded at \$75,000.00 for fiscal year 2025. This takes into account the management of additional office staff, assistance with planning the phase in of the proposed improvement divisions, hiring the additional staff for those divisions and collaborating with the necessary departments within the county to acquire and prepare space for the new divisions.

VII. CURRENT FRINGE BENEFITS WITH

PROPOSED PAY INCREASE BENEFITS:

1. FICA: FICA for the current budget is \$68,838.79. With the proposed salary and pay increases, it is \$75,429.00. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the current budget is \$152,975.08. With the proposed salary and pay increases, it is \$167,620.00.
3. Healthcare: Healthcare is calculated at a rate of \$16,992.00 per person for the year. This amount does not change unless the cost of insurance changes. For the current positions, healthcare will cost \$169,920.00.
4. Worker's Compensation: Worker's Compensation for the current salaries is \$1,054.06. With the proposed pay increases, the budget for Worker's Compensation is \$1,148.73. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

VIII. CURRENT OPERATIONAL EXPENSES

1. Conference & Seminar: Conference and Seminar expenses are currently budgeted at \$5,000.00.
2. Travel: Travel expenses are currently budgeted at \$10,873.00.
3. Office Supplies: Office supplies are currently budgeted at \$5,944.00.
4. Copier/Printer/Fax Supplies: Copier/Printer/Fax Supplies are currently budgeted at \$1,000.00.
5. Gas: Gas is currently budgeted at \$1,000.00
6. Furniture: Furniture is currently budgeted at \$2,000.00
7. Telephone: There is not currently a budget for a telephone system to support a large office.
8. Technology: The current technology budget is \$4,264.00.
9. Scanners: There is not currently a budget for scanners this fiscal year.
10. Cellphones: The cellphone budget is currently \$4,200.00.

- 11. Court Costs: Court Costs are currently budgeted at \$38,000.00.
- 12. Printing: The current Printing budget is \$500.00
- 13. Long Distance: There is not currently a budget for long-distance calling.
- 14. Subscriptions & Publications: Subscriptions and Publications are currently budgeted at \$3,000.00.
- 15. Copier/Printer/Fax Maintenance: The maintenance costs are currently budgeted at \$300.00.
- 16. Lexis Nexis: Lexis Nexis is currently budgeted at \$6,624.00.
- 17. Legal Server: Legal Server is not currently in the budget.

IX. CURRENT SALARIES/FRINGE BENEFITS &
PROPOSED SALARY INCREASES/FRINGE BENEFITS

TABLE PROVIDED IN ATTACHMENTS

X. CURRENT OPERATIONAL EXPENSES

The current operational expenses for the 2025 fiscal year is \$82,705.

Table provided in attachments

XI. TOTAL AMOUNT

The total amount requested for FY 2025 is \$3,271,186.86. The amount requested for salaries, including fringe benefits, for twenty-three (23) full time employees is \$2,936,686.86. The amount requested for operational expenses is \$334,000.00. This amount includes a one-time implementation cost for Legal Server case management software.

The Multi-Year Improvement Grant requires a 20% cash match by Brazos County. That portion of this budget is \$654,237.37.

TABLE PROVIDED IN ATTACHMENTS

XII. SENATE BILL 22:

Senate Bill 22 (SB 22) established a grant program to provide financial assistance for salaries to law enforcement and prosecutors' offices. Brazos County was eligible for SB 22 funds and applied for and received SB 22 funds to supplement existing salaries and create new positions.

This increase in law enforcement funding threatens to increase the pay and resource disparity between prosecutors' offices and public defenders' offices in a way that threatens justice. Pay and resource parity between prosecutors' offices and public defenders' offices is crucial for several reasons, primarily revolving around fairness, effectiveness of the justice system, and public confidence.

The principle of fairness in the legal system is foundational. If public defenders are under-resourced and underpaid compared to prosecutors, this creates an imbalance in the ability of defendants to receive competent legal representation. This is especially critical since public defenders typically represent individuals who cannot afford private counsel, often the most vulnerable in society.

With parity in resources and pay, public defenders can attract and retain more skilled and experienced attorneys. Underfunding and lower salaries lead to high turnover rates, larger caseloads, and less time per case among public

defenders. This can result in poorer outcomes for defendants, including higher chances of wrongful convictions or unnecessarily harsh sentences.

A well-resourced public defender's office can help ensure more equitable outcomes in the legal process. This includes having the capacity to engage in thorough investigations, expert witness consultations, and better trial preparations, which are essential for robust defense strategies.

Public trust in the fairness and effectiveness of the criminal justice system is higher when both sides of the legal process are equally resourced. This balance helps to uphold the principle that everyone is innocent until proven guilty and that every defendant has a right to a fair trial. Better-resourced public defenders can handle cases more efficiently and effectively, reducing delays in the court system. This helps to alleviate backlogs and speeds up the legal process, benefiting the entire community.

To offset the anticipated disparity created by SB 22, the BCPDO requests an additional \$275,000.00. This will allow the Public Defenders Office to provide competitive pay for more experienced attorneys with diverse expertise in criminal law. Additionally, the Public Defenders Office will be able to add funding to case worker positions allowing it to hire licensed social workers and pay them a fair salary for their education and licensing. The investigators will also be given an income increase for membership and licensing fees. This funding will also be allocated to the attorney positions to assist with payment of bar and licensing dues. The District Attorney's Office currently pays the licensing dues for its prosecutors with funds from its asset forfeiture division- money that is not a part of the yearly budget for their department. Brazos County policies and procedures prohibit the use of budgetary department funds for the payment of these dues, leaving the defenders to pay these fees out of pocket.

Personnel Costs		\$2,936,686.86
FTE's	23.00	
Salary	\$2,040,500.00	
Fringe Benefits	\$896,186.86	
Travel and Training		\$57,000.00
Equipment		\$72,500.00
Supplies		\$23,000.00
Contract Services		\$182,000.00
Indirect		\$0.00
Total		\$3,271,186.86
Required County Match		\$654,237.37
Total less County Match		\$2,616,949.49

Home

BRAZOS COUNTY PUBLIC DEFENDER'S OFFICE

BUDGET NARRATIVE

MULTI-YEAR IMPROVEMENT GRANT FY 2025

Natalie Hays| Office Manager
5-23-2024

INTRODUCTION

THE FOLLOWING IS THE PROPOSED BUDGET FOR FISCAL YEAR 2025. THIS NARRATIVE IS FORMATTED TO ADDRESS THE FUNDING FOR THE PROPOSED JUVENILE, MENTAL HEALTH, AND APPELLATE JOB POSITIONS. IT ALSO ADDRESSES THE ADDITIONAL OPERATIONAL FUNDING NECESSARY FOR ATTORNEYS AND STAFF TO PERFORM EFFECTIVE LEGAL REPRESENTATION AND HOLISTIC ADVOCACY FOR ITS CLIENTS.

I. PROPOSED NEW POSITIONS

1. Juvenile Defender: There are two (2) Juvenile Defender positions being requested. One position will be budgeted at \$130,000.00 per year for a Chief Juvenile Defender, preferably Board Certified in Juvenile Criminal Law and at least ten (10) years' experience in criminal law; and the other position will be budgeted for \$105,000.00 per year for an attorney with five (5) years or less experience in criminal law/juvenile law.
2. Mental Health Defender: One (1) position is being requested for a Mental Health Defender. This position is budgeted at \$120,000.00 per year with the expectation that they will have a minimum of ten (10) years' experience in criminal law, with at least five (5) years of that experience specialized in mental health caseloads.
3. Appellate Defender: One (1) Appellate Defender position is being requested. This person will handle only court appointed Appeals and provide legal support for public defenders and private attorneys representing indigent clients. The position will pay \$110,000.00 per year. It is preferred that the individual is Board Certified in Appeals or Criminal Law, however, a minimum of five (5) years' experience in criminal law is required.
4. Public Defender: Two (2) public defender positions are being requested. One position will be for a Felony Defender with at least five (5) years' experience in criminal law at \$105,000.00 per year. Primary caseloads will be felony offenses ranging from State Jail to First Degree felonies. The second position is for a Misdemeanor Defender at \$87,500. This position does not require experience but does require an individual to be a licensed attorney with the State Bar of Texas. Primary caseloads will be Class A and B misdemeanors.
5. Case Worker: Two (2) caseworkers are being requested at \$60,000 per year. This salary will fit the educational and professional requirements necessary to fill the position with effective holistic case assistance. One case worker will focus on juvenile clients, while the other will

focus on assisting the mental health defender with client caseloads and obtaining resources that best suit client needs.

6. Investigator: Two (2) investigators are being requested at \$72,000 per year. Investigators are necessary to assist defenders with representation through the piecing together of mitigating and outside information regarding clients that may not have been available otherwise. Investigators utilize search engines, investigative questioning, and resources to gather information for the attorneys to use in defense of client's case. Technological advances will require specialized training and continuing education of the investigator. Their salary will need to be closely on par with investigators of the District Attorney, County Attorney, and various Law Enforcement Agency's Investigative Units.
7. Legal Assistant: Two (2) legal assistants are being requested to manage attorneys and their caseloads. One position is being requested at \$46,000.00 per year and the other position is being requested for \$42,000 per year. The minimum educational level required is a high school diploma, however, a college degree (or some college) is preferred. What the individual is paid will be based on experience and ability to communicate expertise effectively.
8. Receptionist: One (1) receptionist position is requested. The proposed salary is \$35,000.00 per year.

II. PROPOSED FRINGE BENEFITS

1. FICA: FICA for the proposed new salaries will increase the budget \$80,669.25. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the proposed new salaries will increase the budget \$179,265.00. It is calculated at a rate of 17% of the individual's gross pay.
3. Health Insurance: Health insurance for the proposed new salaries will increase the budget \$220,896.00. It is currently \$16,992.00 per year per employee.
4. Worker's Compensation: Worker's Compensation for the proposed new salaries will increase the budget \$1,238.88. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

III. PROPOSED OPERATIONAL EXPENSES

1. Conference & Seminar: An additional \$20,000 will be added to the budget for conference and seminar spending. This will account for the cost of the increase in staff positions as well as the increase in cost of their specialties. Conferences with training for mental health, juvenile, and board-certified staff and attorneys will require more funding. This training is essential to their ability to stay up to date on legislative amendments, the latest in investigative techniques, and holistic service delivery innovations.
2. Travel: An additional \$21,127.00 will be added to the budget for travel expenses related to expenses for trainings, conferences, and seminars. This will include spending on mileage, hotels, per diem, parking and tolls during conferences and seminars.
3. Office Supplies: An additional \$9,056.00 will be added to the budget for office supplies. Growing the number of attorneys and staff will require additional supplies needed for these employees.
4. Copier/Printer/Fax Supplies: It will be necessary for this budget to increase by \$2,000.00 due to the increase in staff and attorneys.
5. Gas: The Ford Escape was purchased by Brazos County for the Public Defenders Office to use for general purposes. Its primary uses include transportation to conferences, client meetings, and investigations. It will be necessary to increase this budget by \$4,000 to compensate for the increase in the attorneys and staff.
6. Furniture: The proposed increase to the furniture budget will be an additional \$23,000.00. This cost will be to provide the new attorneys and staff with desks and chairs. It will also cover the cost of any desks and chairs necessary for the current attorneys and staff. It will also include book shelves and conference room tables.
7. Telephone: The proposed cost for spending on a phone system is \$2,500.00. This is anticipated to be a necessary system to provide easy of access in transferring phone calls to the appropriate individual over the computer instead of manually through the phone.
8. Technology: The cost to provide technological equipment for the additional attorneys and staff is \$40,000.00. The addition to the current budget is \$35,736.00.
9. Scanners: Scanners cost \$1,000.00 each. Each case worker, legal assistant, and the receptionist will receive one for a total of \$5,000.00 for the budget.

10. Cellphones: The proposed increase to the cellphone budget will add \$10,800.00 to the current budget to account for the new attorneys and staff.
11. Court Costs: The proposed increase to the court cost is only an additional \$2,000.00 to the current budget. The current court cost budget has been utilized for interpreters for Spanish speaking clients. It is our expectation that the cost for interpreters will decrease when new staff are hired due to hiring bilingual staff. However, the budget for this fund will need to remain significant to afford clients the ability to ascertain expert witness testimony necessary to their defense.
12. Printing: The printing budget is proposed to increase by \$4,500.00. In part this funding will go toward business cards for attorneys and staff. The administrative team would also like to provide printed information to clients and their families regarding services provided by the PDO. This information can be disseminated in the office, at the jail, and various outreaches around the community.
13. Long Distance: The addition of \$1,000.00 for long distance funding will ensure there is a budget to make phone calls necessary to witnesses, experts, and various long-distance resources valuable to client defense development.
14. Subscriptions & Publications: The additional funding for the budget is \$12,000.00 for subscriptions and publications. This will provide the PDO with the necessary budget to provide attorneys and staff with law books, supplemental research material, and case specific trial material necessary to building effective defenses for clients.
15. Copier/Printer/Fax Maintenance: There is a \$700.00 increase to this budget being requested. With the increase in usage from the increase in staff, it is likely there will be additional maintenance costs associated with this increase in use.
16. Lexis Nexis: The contract for FY 2025 will increase to \$20,000.00 for the entire year for Lexis Nexis which will be a \$13,376.00 increase to the current budget. The cost will be billed monthly. This legal software is used for legal/case law research and is the investigative background check tool used by our investigator.
17. Legal Server: The contract proposal for Legal Server is estimated to cost around \$85,000.00 to implement along with the one year of service. Legal Server is a case management software for managing data, client information, and case information.

IV. TABLE: SALARIES & FRINGE BENEFITS

NEW POSITIONS		FRINGE BENEFITS				
POSITION	SALARY	FICA	RETIREMENT	HEALTH	W/C	
Juvenile Defender	\$ 130,000.00	\$9,945.00	\$22,100.00	\$ 16,992.00	\$149.50	
Juvenile Defender	\$ 105,000.00	\$8,032.50	\$17,850.00	\$ 16,992.00	\$120.75	
Mental Health Defender	\$ 120,000.00	\$9,180.00	\$20,400.00	\$ 16,992.00	\$138.00	
Appellate Defender	\$ 120,000.00	\$9,180.00	\$20,400.00	\$ 16,992.00	\$138.00	
Public Defender	\$ 105,000.00	\$8,032.50	\$17,850.00	\$ 16,992.00	\$120.75	
Public Defender	\$ 87,500.00	\$6,693.75	\$14,875.00	\$ 16,992.00	\$100.63	
Caseworker	\$ 60,000.00	\$4,590.00	\$10,200.00	\$ 16,992.00	\$69.00	
Caseworker	\$ 60,000.00	\$4,590.00	\$10,200.00	\$ 16,992.00	\$69.00	
Investigator	\$ 72,000.00	\$5,508.00	\$12,240.00	\$ 16,992.00	\$95.90	
Investigator	\$ 72,000.00	\$5,508.00	\$12,240.00	\$ 16,992.00	\$95.90	
Legal Assistant	\$ 46,000.00	\$3,519.00	\$7,820.00	\$ 16,992.00	\$52.90	
Legal Assistant	\$ 42,000.00	\$3,213.00	\$7,140.00	\$ 16,992.00	\$48.30	
Receptionist	\$ 35,000.00	\$2,677.50	\$5,950.00	\$ 16,992.00	\$40.25	
TOTALS	\$ 1,054,500.00	\$80,669.25	\$179,265.00	\$ 220,896.00	\$1,238.88	

The total cost of new positions is \$1,536,569.13.

V. TABLE: OPERATIONAL EXPENDITURES

Expense	Budget Increase
Conference & Seminar	\$ 20,000.00
Travel	\$ 21,127.00
Office Supplies	\$ 9,056.00
Copier/Printer/Fax Supplies	\$ 2,000.00
Gas	\$ 4,000.00
Furniture	\$ 23,000.00
Telephone	\$ 2,500.00
Technology	\$ 35,736.00
Scanners	\$ 5,000.00
Cell Phones	\$ 10,800.00
Court Costs	\$ 2,000.00
Printing	\$ 4,500.00
Long Distance	\$ 1,000.00
Subscriptions/Publications	\$ 12,000.00
Copier/Printer/Fax Maint.	\$ 700.00
Lexis Nexis	\$ 13,376.00
Legal Server	\$ 85,000.00
TOTAL	\$ 251,795.00

The total cost of increased operational expenses is \$251,795.00.

INTRODUCTION

THE BRAZOS COUNTY PUBLIC DEFENDERS OFFICE IS CURRENTLY FUNDED THROUGH A TWO-YEAR IMPROVEMENT GRANT. THIS SECTION OF THE BUDGET NARRATIVE PROPOSES CONTINUED FUNDING FOR THE CURRENT POSITIONS WITH INCREASE IN SALARIES AND PAY FOR THOSE POSITIONS FOLLOWED BY CONTINUED FUNDING FOR THE CURRENT OPERATIONAL EXPENSES.

VI. CONTINUED FUNDING FOR CURRENT POSITIONS WITH PROPOSED PAY INCREASES:

1. Chief Public Defender: The Chief Public Defender position request is \$145,000.00 per year. The Chief is currently salaried at \$130,000.00. The original salary proposed for the position was \$140,000.00 to start FY 2022. The County salaried the position at \$130,000.00 and it was the only position that did not receive a COLA increase in FY 2024. The growth of the Public Defenders' Office will mean that the administrative and caseload responsibilities of the Chief will continue to grow as well. The salary for this position should increase in accordance with the growth in administrative responsibilities, staffing, improvement divisions and case load as well as pay parity with county/district attorneys and/or their first assistants. (First Assistant-County Attorney- \$148,428.80; First Assistant-District Attorney-\$165,000.16)
2. Public Defenders: Five (5) attorney positions are currently funded under the current grant. It is requested that funding resume under the Multi-Year Improvement Grant. This includes two (2) Felony Defender positions and three (3) misdemeanor positions. One Felony Defender position, currently funded at \$108,153.00, is requested to increase to \$120,650.00 based on attorney experience and board certification. The second Felony Defender position is budgeted at \$119,9989.98 and is requested to increase to \$132,500.00 based on the attorney's years of experience and qualification to represent clients on capital cases. There is an attorney position budgeted for \$83,000.00 with a request to increase the salary to \$90,500.00, an attorney position budgeted for \$93,001.00 proposed with a proposal to increase to \$100,500.00, and finally a position budgeted for \$105,000.00 with a proposal to increase to \$112,500.00. Each of these final three increases is based on years of experience and expertise for misdemeanor and felony case loads.
3. Investigator: The current salary for the investigator is \$74,000.00. It is proposed that this position's salary is increased to \$81,500.00 due to increase in felony caseloads and the increase in enhanced and 3g cases.
4. Case Worker: The current salary for the case worker position is \$66,340.00. The requested salary for the Case Worker position is \$70,000.00. This request is based on the number of cases and attorneys the case worker is collaborating with in order to connect with clients and understand which resources would best meet their current and future needs. The case worker

also collaborates with organizations in the community to network and stay informed and connected, maintaining a relationship that cultivates the mission and vision of the PDO.

5. Administrative Clerk: The requested salary for the Administrative Clerk position is \$54,225.00. The current yearly pay for this position is \$54,225.00. It is requested that this amount position be raised to \$58,000.00 due to years of experience, training and experience with the legal system in Brazos County, and the increase in caseload- in particular at the intake and disposition phase of cases.
6. Office Manager: The current salary for the Office Manager position is \$71,136.00. The position is requested to be funded at \$75,000.00 for fiscal year 2025. This takes into account the management of additional office staff, assistance with planning the phase in of the proposed improvement divisions, hiring the additional staff for those divisions and collaborating with the necessary departments within the county to acquire and prepare space for the new divisions.

VII. CURRENT FRINGE BENEFITS WITH
PROPOSED PAY INCREASE BENEFITS:

1. FICA: FICA for the current budget is \$68,838.79. With the proposed salary and pay increases, it is \$75,429.00. It is calculated at a rate of 7.65% of the individual's gross pay.
2. Retirement: Retirement for the current budget is \$152,975.08. With the proposed salary and pay increases, it is \$167,620.00.
3. Healthcare: Healthcare is calculated at a rate of \$16,992.00 per person for the year. This amount does not change unless the cost of insurance changes. For the current positions, healthcare will cost \$169,920.00.
4. Worker's Compensation: Worker's Compensation for the current salaries is \$1,054.06. With the proposed pay increases, the budget for Worker's Compensation is \$1,148.73. It is calculated at a rate of .115 for all attorneys and staff except investigators which is calculated at a rate of .1332.

VIII. CURRENT OPERATIONAL EXPENSES

1. Conference & Seminar: Conference and Seminar expenses are currently budgeted at \$5,000.00.
2. Travel: Travel expenses are currently budgeted at \$10,873.00.
3. Office Supplies: Office supplies are currently budgeted at \$5,944.00.

4. Copier/Printer/Fax Supplies: Copier/Printer/Fax Supplies are currently budgeted at \$1,000.00.
5. Gas: Gas is currently budgeted at \$1,000.00
6. Furniture: Furniture is currently budgeted at \$2,000.00
7. Telephone: There is not currently a budget for a telephone system to support a large office.
8. Technology: The current technology budget is \$4,264.00.
9. Scanners: There is not currently a budget for scanners this fiscal year.
10. Cellphones: The cellphone budget is currently \$4,200.00.
11. Court Costs: Court Costs are currently budgeted at \$38,000.00.

12. Printing: The current Printing budget is \$500.00
13. Long Distance: There is not currently a budget for long-distance calling.

14. Subscriptions & Publications: Subscriptions and Publications are currently budgeted at \$3,000.00.
15. Copier/Printer/Fax Maintenance: The maintenance costs are currently budgeted at \$300.00.
16. Lexis Nexis: Lexis Nexis is currently budgeted at \$6,624.00.
17. Legal Server: Legal Server is not currently in the budget.

**IX. CURRENT SALARIES/FRINGE BENEFITS &
PROPOSED SALARY INCREASES/FRINGE BENEFITS**

Current Positions		Current Fringe Benefits			
Position	Current Salaries	FICA	Retirement	Health	Comp
Chief Public Defender	\$ 130,000.00	\$ 7,114.57	\$ 15,810.16	\$ 16,992.00	\$ 149.50
Public Defender	\$ 108,153.00	\$ 4,692.51	\$ 10,427.80	\$ 16,992.00	\$ 124.38
Public Defender	\$ 119,999.98	\$ 4,148.29	\$ 9,218.42	\$ 16,992.00	\$ 138.00
Public Defender	\$ 83,000.00	\$ 5,441.90	\$ 12,093.12	\$ 16,992.00	\$ 95.45
Public Defender	\$ 93,001.00	\$ 9,179.99	\$ 20,399.98	\$ 16,992.00	\$ 106.95
Public Defender	\$ 105,000.00	\$ 6,349.50	\$ 14,110.01	\$ 16,992.00	\$ 120.75
Investigator	\$ 74,000.16	\$ 5,661.01	\$ 12,580.03	\$ 16,992.00	\$ 98.57
Administrative Clerk	\$ 66,340.00	\$ 8,273.48	\$ 18,385.52	\$ 16,992.00	\$ 76.29
Case Worker	\$ 54,225.00	\$ 8,032.52	\$ 17,850.04	\$ 16,992.00	\$ 62.36
Office Manager	\$ 71,143.00	\$ 9,945.00	\$ 22,100.00	\$ 16,992.00	\$ 81.81
Total	\$ 904,862.14	\$68,838.79	\$ 152,975.08	\$ 169,920.00	\$ 1,054.06
Salaries		\$	904,862.14		
Fringe Benefits		\$	392,787.92		
Total		\$	1,297,650.06		

Proposed Salaries Current Positions		Proposed Fringe Benefits			
Position	Proposed Salaries	FICA	Retirement	Health	Comp
Chief Public Defender	\$ 145,000.00	\$ 11,092.50	\$ 24,650.00	\$ 16,992.00	\$ 166.75
Public Defender	\$ 120,500.00	\$ 9,218.25	\$ 20,485.00	\$ 16,992.00	\$ 138.58
Public Defender	\$ 132,500.00	\$ 10,136.25	\$ 22,525.00	\$ 16,992.00	\$ 152.38
Public Defender	\$ 90,500.00	\$ 6,923.25	\$ 15,385.00	\$ 16,992.00	\$ 104.08
Public Defender	\$ 100,500.00	\$ 7,688.25	\$ 17,085.00	\$ 16,992.00	\$ 115.58
Public Defender	\$ 112,500.00	\$ 8,606.25	\$ 19,125.00	\$ 16,992.00	\$ 129.38
Investigator	\$ 81,500.00	\$ 6,234.75	\$ 13,855.00	\$ 16,992.00	\$ 108.56
Administrative Clerk	\$ 70,000.00	\$ 5,355.00	\$ 11,900.00	\$ 16,992.00	\$ 80.50
Case Worker	\$ 58,000.00	\$ 4,437.00	\$ 9,860.00	\$ 16,992.00	\$ 66.70
Office Manager	\$ 75,000.00	\$ 5,737.50	\$ 12,750.00	\$ 16,992.00	\$ 86.25
Total	\$ 986,000.00	\$75,429.00	\$ 167,620.00	\$ 169,920.00	\$ 1,148.73
Salaries		\$	986,000.00		
Fringe Benefits		\$	414,117.73		
Total		\$	1,400,117.73		

X. CURRENT OPERATIONAL EXPENSES

Current Operational Expenses	
Conference & Seminar	\$ 5,000.00
Travel	\$ 10,873.00
Office Supplies	\$ 5,944.00
Copier/Printer/Fax Supplies	\$ 1,000.00
Gas	\$ 1,000.00
Furniture	\$ 2,000.00
Telephone	\$ -
Technology	\$ 4,264.00
Scanners	\$ -
Cell Phones	\$ 4,200.00
Court Costs	\$ 38,000.00
Printing	\$ 500.00
Long Distance	\$ -
Subscriptions/Publications	\$ 3,000.00
Copier/Printer/Fax Maint.	\$ 300.00
Lexis Nexis	\$ 6,624.00
Legal Server	\$ -
Total	\$ 82,705.00

The current operational expenses for the 2025 fiscal year is \$82,705.

XI. TOTAL AMOUNT

The total amount requested for FY 2025 is \$3,271,186.86. The amount requested for salaries, including fringe benefits, for twenty-three (23) full time employees is \$2,936,686.86. The amount requested for operational expenses is \$334,000.00. This amount includes a one-time implementation cost for Legal Server case management software.

GRANT TOTALS	
New Position Cost	\$ 1,536,569.13
Expense Increase	\$ 251,795.00
Current Position W/Increase	\$ 1,400,117.73
Current Expenses	\$ 82,705.00
Total	\$ 3,271,186.86

The Multi-Year Improvement Grant requires a 20% cash match by Brazos County. That portion of this budget is \$654,237.37.

XII. SENATE BILL 22:

Senate Bill 22 (SB 22) established a grant program to provide financial assistance for salaries to law enforcement and prosecutors' offices. Brazos County was eligible for SB 22 funds and applied for and received SB 22 funds to supplement existing salaries and create new positions.

This increase in law enforcement funding threatens to increase the pay and resource disparity between prosecutors' offices and public defenders' offices in a way that threatens justice. Pay and resource parity between prosecutors' offices and public defenders' offices is crucial for several reasons, primarily revolving around fairness, effectiveness of the justice system, and public confidence.

The principle of fairness in the legal system is foundational. If public defenders are under-resourced and underpaid compared to prosecutors, this creates an imbalance in the ability of defendants to receive competent legal representation. This is especially critical since public defenders typically represent individuals who cannot afford private counsel, often the most vulnerable in society.

With parity in resources and pay, public defenders can attract and retain more skilled and experienced attorneys. Underfunding and lower salaries lead to high turnover rates, larger caseloads, and less time per case among public defenders. This can result in poorer outcomes for defendants, including higher chances of wrongful convictions or unnecessarily harsh sentences.

A well-resourced public defender's office can help ensure more equitable outcomes in the legal process. This includes having the capacity to engage in thorough investigations, expert witness consultations, and better trial preparations, which are essential for robust defense strategies.

Public trust in the fairness and effectiveness of the criminal justice system is higher when both sides of the legal process are equally resourced. This balance helps to uphold the principle that everyone is innocent until proven guilty and that every defendant has a right to a fair trial. Better-resourced public defenders can handle cases more efficiently and effectively, reducing delays in the court system. This helps to alleviate backlogs and speeds up the legal process, benefiting the entire community.

To offset the anticipated disparity created by SB 22, the BCPDO requests an additional \$275,000.00. This will allow the Public Defenders Office to provide competitive pay for more experienced attorneys with diverse expertise in criminal law. Additionally, the Public Defenders Office will be able to add funding to case worker positions allowing it to hire licensed social workers and pay them a fair salary for their education and licensing. The investigators will also be given an income increase for membership and licensing fees. This funding will also be allocated to the attorney positions to assist with payment of bar and licensing dues. The District Attorney's Office currently pays the licensing dues for its prosecutors with funds from its asset forfeiture division- money that is not a part of the yearly budget for their department. Brazos County policies and procedures prohibit the use of budgetary department funds for the payment of these dues, leaving the defenders to pay these fees out of pocket.



Date: March 22, 2024

RE: Approval of Grant Application Officials

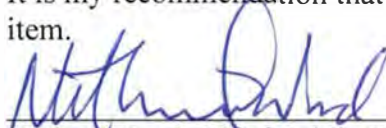
Approval Item:

It is required in the Texas Indigent Defense Commission’s Request for Grant Applications that a Program Director, Financial Officer, and Authorized Official are designated. Approval is requesting for the following designations:

- 1. Program Director- Nathan Wood
- 2. Financial Officer- Katie Connor
- 3. Authorized Official- Judge Duane Peters

Recommendation:

It is my recommendation that the designations are approved as requested in the above approval item.



 Nathan Wood, Chief Public Defender

3-22-2024
 Date

Board Approval:



 Oversight Board Member

3/22/2024
 Date



 Oversight Board Member

3-22-2024
 Date



 Oversight Board Member

3-22-24
 Date



Date: March 22, 2024

RE: Approval of Public Defender's Proposed Multi-Year Grant Application

Approval Item:

The proposed Multi-Year Improvement Grant Application will provide the Brazos County Public Defender's Office with a Mental Health Defender, two Juvenile Defenders, an Appellate Defender, and two additional Defenders to be assigned to felony or misdemeanor caseloads. It is also proposed that a receptionist position, along with two Investigators, two case workers, and two Legal Assistant positions be added.

Recommendation:

It is my recommendation that the proposal to apply for the Multi-Year Improvement Grant adding Mental Health, Juvenile and Appellate divisions to the Public Defender's office be approved.



Nathan Wood, Chief Public Defender

3-22-2024
Date

Board Approval:




Oversight Board Member

3-22-2024
Date



Oversight Board Member

3-22-2024
Date



Oversight Board Member

3-22-24
Date



BRAZOS PUBLIC DEFENDER

EQUAL JUSTICE FOR ALL

Date: March 22, 2024

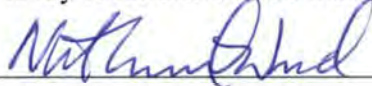
RE: Approval of FY 2025 Proposed Budget

Approval Item:

The proposed FY 2025 budget.

Recommendation:

It is my recommendation that the proposed FY 2025 budget is approved.



Nathan Wood, Chief Public Defender


3-22-2024
Date

Board Approval:



Oversight Board Member

3-22-2024
Date



Oversight Board Member

3-22-2024
Date



Oversight Board Member

3-22-24
Date



Date: March 22, 2024

RE: Approval of Public Defender's Proposed Grant Budget

Approval Item:

The proposed budget amounts will cover the Multi-Year Improvement Grant: \$12,988,367.01

Recommendation:

It is my recommendation that the proposed budget requests are approved.


Nathan Wood, Chief Public Defender

3-22-2024
Date

Board Approval:


Oversight Board Member

3-22-2024
Date


Oversight Board Member

3-22-2024
Date


Oversight Board Member

3.22-24
Date

Culberson County

FY 2025 Sustainability Grant Request

Regional Public Defender Expansion to Terrell and Val Verde

	<-----Projected----->			
	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$1,696,062	\$1,556,062	\$1,556,062	\$1,556,062
County Match	\$564,789	\$518,169	\$518,169	\$518,169
FY25 Grant Request	\$1,129,577	\$1,036,337	\$1,036,337	\$1,036,337
TIDC/County Share	66.6% / 33.3%	66.6% / 33.3%	66.6% / 33.3%	66.6% / 33.3%

Program Summary

The Far West Texas Regional Public Defender (FWTRPDO) was created in 2017 and currently operates in Brewster, Culberson, Hudspeth, Jeff Davis, Presidio Counties. The FWTRPDO is seeking grant funds to expand its non-conflict adult felony and misdemeanor services to Terrell and Val Verde Counties. The challenge that Terrell and Val Verde currently face are due to the lack of attorneys living and practicing in the counties, which has resulted in high lawyer fees for court appointments, lengthy case timelines, and costly jail fees shouldered by the counties. The FWTRPDO will staff the expansion with 3 felony line attorneys, 2 misdemeanor attorneys, 2 investigators, 2 mental health social workers, and a local administrative assistant. Costs for 3 positions will be shared across the entire FWTRPDO for a chief, a local office head, and a chief of staff.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Culberson County Improvement Grant Application Narrative
Regional Public Defender Expansion to Terrell and Val Verde.
Rural Regional Public Defender Sustainability

a. Application Form

Counties Represented: **Brewster, Culberson, Hudspeth, Jeff Davis, Presidio, Terrell, Val Verde**

Fiscal Year: **2025**

State Payee Identification Number: **746002433**

Division To Administer Grant: **County Judge's Office**

Program Title: **Regional Public Defender Expansion to Terrell and Val Verde.**

Requested Grant Amount: **\$1,366,850.00**

Authorized Official: **Carlos G Urias**

Financial Officer: **Kerri L. Quiett**

Program Director: **James Gerard McDermott, II**

Mailing Address: **PO Box 927; 300 LaCaverna; Van Horn, TX 79855**

b. Introduction (Executive Summary)

The Far West Texas Regional Public Defender requests funding to expand its services to Terrell and Val Verde Counties. This proposal would add 100% of adult felony and misdemeanor appointments in criminal cases. Excluded would be juvenile cases; the labor-intensive nature of such cases make it too difficult to project staffing needs. Also excluded are cases originating from Operation Lone Star. Those cases are easily tracked upon entry into CJIS and at magistration, and they are handled adequately though the defense system set up around that program. The new region would be larger than West Virginia and would cover about half of the Texas-Mexico border.

c. Problem Statement

Val Verde County and Terrell County-the two counties immediately east of Brewster County-are requesting to join the Far West Texas Regional Public Defender.

The Far West Texas Regional Public Defender was created in October 2017 and currently covers on area of over 20,000 square miles and the following counties: Culberson and Hudspeth in the west, and Brewster, Jeff Davis, and Presidio in the east. The largest city is Alpine, with a population 5967. The county populations range from Brewster, the largest, at 9173 to Jeff Davis, the smallest, at 2204. The five counties include some of the highest poverty rates in Texas.

Terrell County, which adjoins Brewster County, has a population of 760. Sanderson, the county seat, is 90 miles to the east of Alpine and 90 miles to the west of Del Rio. Its caseload is small, in general with the district courts closing between 2 and 22 felonies and between 6 and 60 misdemeanors per year for the past 5 years. A more granular review of the data reveals the immediate problem. The cases in Terrell County before 2020 moved with some regularity. With no local bar of its own, Terrell County relied on lawyers from the larger region to travel 90 to 120 minutes to come to court to handle cases. The lawyer fees for court appointments for these cases are high as a result, and a public defender will control and make predictable the costs.

The situation in Val Verde County is complicated. The open cases include about 510 felonies and 500 misdemeanors, excluding OLS related cases. The appointment list currently has eleven lawyers on it, for two felony courts and one misdemeanor court. However, of those lawyers, only two office in Val Verde County. The other nine lawyers travel from as far as San Antonio and accept appointments across ten or more counties as well as in federal court. The demands placed on these few lawyers across the region has prevented them from being able to timely handle their cases in Val Verde County. In court, the result has been docket settings that could be handled in two hours lasting instead for longer than a full day, as the courts try to accommodate the scheduling conflicts of appointed counsel. Yet, the cases do not move because the lawyers cannot be prepared, even with the schedule accommodation.

The strain on the time demands for these lawyers is going to increase. In June 2024, Del Rio will see the addition of a second federal judge, who will be adding his own dockets to those already existing.

The result can be seen in the case closure data reported to TIDC. Since 2018, the number of felony cases closed has decreased by about half, from a high of 530 in 2018 to 188 in 2021, while the case filings have increased. Currently, over 90% of felony cases qualify for and receive a court-appointed attorney. The number of misdemeanor cases closed has decreased by a third over the same time period. The data in those cases clearly illustrates the problem. Closed retained cases in misdemeanor court increased in number during the previous five years, while the number of court-appointed closed cases decreased by 50%.

One stark example is with the jail population and the effect it has on the Val Verde County budget. Val Verde contracts with the GEO Group for jail beds, currently a flat fee for up to 120 beds, then fees and other costs when the jail population exceeds the cap. In recent years, when the cap was exceeded, the annual cost to Val Verde County was approximately \$400,000. The current indigent defense providers cannot keep up with the jail population because of the problems outlined above. As a result, Val Verde County will continue to pay additional costs for jail space. The Far West Texas Regional Public Defender has diligently monitored jail populations in the counties it currently serves. Val Verde believes that joining this program will solve that immediate and pressing problem.

The FWTRD brings with its model forensic mental health social workers. Mental illness as an as complicated the provision of services and the caseload. The jail has become a primary mental health service provider, straining an already overwhelmed system. Social workers will work with magistrates to identify new arrestees with mental health issues. Social worker will visit clients that are in custody, complete intake forms, and begin assessment of clients. Social workers can help identify needs, connect services, work with appropriate community-based solutions, and help keep low-risk but high-needs defendants out of jail.

This is a desperately needed service for the criminal justice system and will save Val Verde County money.

Joining the Far West Texas Regional Public Defender will also address one financial barrier-the costs of administration. By sharing such costs, Val Verde and Terrell can find a more affordable solution to building a county-based program.

d. Objectives

The Far West Texas Regional Public Defender would ultimately take 100% of adult criminal court appointments in Terrell and Val Verde Counties, excepting conflicts and cases related to Operation Lone Star. It would open a physical office in Del Rio with a staff based in the county, separate from the Alpine office excepting. The counties and the public defender would develop caseload standards to set agreed upon expectations and benchmarks. The staffing model proposed for this expansion has been built through an analysis of current open cases with guidance from both the TIDC caseload guidelines and the new ABA-Rand Corporation study concerning caseloads.

Built into this model as well is the presence of two mental health social workers. Mental illness among criminal defendants in the region has slowed down cases and had a negative effect on the jail population. Mental health social workers have a proven positive effect.

This application includes a proposed budget for the entire FWTRPD, broken out separately by the two offices.

e. Activities

This program change would require creating an office in Del Rio, because the program and the new counties have committed to the existing counties that this addition would not affect the provision of services to the existing counties.

Staffing needs were projected based on adhering to caseload guidelines through an analysis of open adult criminal cases. The model does not include cases generated by Operation Lone Star, as those cases are already assigned and funded through an alternate system. Staff needs are: 3 felony line attorneys, two misdemeanor attorneys, two investigators, two mental health social workers, and a

local administrative assistant. Costs for three positions will be shared across the entire FWTRPDO: chief (50% for expansion counties), a local office head with administrative duties across the program (75% for expansion counties), and a chief of staff (supervisor for all non-attorney staff across all counties at 50% for expansion counties). Terrell County projected caseloads are small enough to not require dedicated staff.

Budgets for the expansion counties and the current counties are included with this application.

1. We have already decided upon an office head, who will transition onto this project on October 1, 2024. We have also identified two lawyers who are interested in working in Del Rio.
2. Start-up tasks. October 2024-March 2025.
 - a. Finding office space. Purchasing furniture, computers, and supplies.
 - b. CMS.
We would modify the existing CMS to incorporate the new office.
 - c. Hiring of staff.
 - d. Meeting with local judges to determine appropriate caseload guidelines for the local situation, relying on the TIDC caseload guidelines and the ABA-Rand Corporation analysis as benchmarks.
 - e. Meeting stakeholders and local criminal-justice offices, such as prosecutors, county and district judges, magistrates, jail staff, and probation officers. Meeting local employees in the MHMR regional provider as well as their administration. Meeting other local low-income legal services providers (Legal Aid, Federal Public Defender). Meeting local social services providers, including hospitals, food banks, faith-based organizations. Identifying substance-abuse recovery options. Meet community leaders and advocates.
 - f. Anticipated first case assignment: March or April 2025. We will not wait until full staffing to start taking cases. Rather, we will start in phases based on staffing and infrastructure.

f. Evaluation

The FWTRPD office already has a system to comply with TIDC data reporting requirements. Local stakeholders will join the oversight board and thus have a role in regular evaluation of program activities.

g. Future Funding

The Far West Texas Regional Public Defender is on a sustainable funding model for rural programs with TIDC. Val Verde and Terrell request to join at 80% coverage by TIDC for the first year, as is common for new counties joining rural regional public defenders. Afterwards, the counties commit to the ongoing sustainability model.

h. Budget Narrative and Budget Form

Estimated first-year costs for the expansion counties alone at \$1,646,062.43 in the first year, with TIDC contributing \$1,316,849.94, Val Verde County contributing \$319,212.49, and Terrell County contributing \$10,000. Costs and expenses for the current core grant for FWTRPDO are listed separately on a spreadsheet, representing a decrease for them because of shared costs. The combined budget between all 7 counties would be \$2,474,421.

Expansion counties

1. Salaries: \$1,078,050. An initial review of cases indicates a staff: 3 felony line attorneys, two misdemeanor attorneys, two investigators, two mental health social workers, and a local administrative assistant. Costs for three positions will be shared across the entire FWTRPDO: chief (50% for expansion counties), a local office head with administrative duties across the program (75% for expansion counties), and a chief of staff (supervisor for all non-attorney staff across all counties at 50% for expansion counties). Salaries set at the same for equal positions currently in the program.

2. Fringe benefits: \$289,012.43, according to the Culberson County Auditor.

- 3. Cost of work-related travel: \$17,000. It is not clear what travel expenses are required. This is an initial estimate.

- 5. Cost of training with related travel: \$22,000. The most expensive cost for training for our current employees is travel to training. This proposal budgets \$500 for training and \$1,500 for travel related to training.

- 6. Outside LCSW consultation: \$10,000. This is a current benefit provided to mental health social workers for ongoing professional development a support

- 6. Start-up costs: \$100,000. Computers, furniture, equipment. An estimate.

- 7. Supplies: \$37,000. Includes equipment contracts, subscription services, software licenses, office supplies.

- 8. Cost of rental space currently is \$75,000. This is an estimate. We do not have a current survey of market conditions.

Personnel Costs		\$1,367,062.00
FTE's	11.75	
Salary	\$1,078,050.00	
Fringe Benefits	\$289,012.00	
Travel and Training		\$49,000.00
Equipment		\$140,000.00
Supplies		\$15,000.00
Contract Services		\$75,000.00
Indirect		\$50,000.00
Total		\$1,696,062.00
Required County Match		\$329,212.00
Total less County Match		\$1,366,850.00

Home



P.O. Box 4810
Sanderson, Texas 79848

DALE CARRUTHERS
Terrell County Judge

Phone: 432-345-2421
FAX: 432-345-2653

May 07, 2024

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

My name is Dale Lynn Carruthers. I am the County Judge of Terrell County. I am pleased to offer my support for the expansion of the Far West Texas Regional Public Defender to Terrell County.

We have a small population, and we are remote. The result has been that we have few criminal cases compared to our neighbors, but we also have no lawyers to handle them. Sanderson is about 90 minutes from Alpine and Del Rio, in either direction, just far enough that lawyers are reluctant to come to our courts for court appointments. The result is that we have a difficult time having cases move and providing this essential service, because we cannot find lawyers to handle the cases.

The Far West Texas Regional Public Defender has proven that remote jurisdictions can still be served with quality representation. We are asking for support from the Texas Indigent Defense Commission in this effort.

Sincerely,

A handwritten signature in blue ink that reads "Dale Carruthers". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Dale Lynn Carruthers
Terrell County Judge



Del Rio Office
P.O. Box 1860
Del Rio, TX 78841-1860
Office No. (830) 774-7654
Fax No. (830) 774-7651
May 10, 2024

ROBERT E. CADENA
83RD DISTRICT JUDGE
Serving Pecos, Terrell and Val Verde Counties

Fort Stockton Office
400 S. Nelson
Fort Stockton, TX 79735
Office No. (432) 336-3361
Fax No. (432) 336-3554

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

My name is Robert E. Cadena and I have held the position of District Judge of the 83rd Judicial District since January of 2013. The jurisdiction of the Court includes Pecos, Terrell and Val Verde Counties. I am also the local administrative judge in the area.

I have watched a significant change occur regarding indigent defense in our region over the last five years. The number of lawyers on our appointment list has been steadily decreasing. For almost 1000 felony cases closed last year, only two of the appointed lawyers are local.

We have sought out lawyers from as far away as San Antonio to help carry the caseload and many handle state court appointments across five or more counties as well as criminal appointments for a robust federal court docket. A second federal District Judge, based in Del Rio, will soon begin holding his own criminal dockets as well.

As a result, the appointed lawyers are struggling with the necessary time to handle our state cases. The system is overloaded and I can foresee that it is only going to get worse. Currently, we are experiencing long docket days and longer than necessary jail times while defendants wait for their cases to resolve.

I have been watching with interest as the Far West Texas Regional Public Defender has been building to our west. I have seen the difference they have made in jail populations, case closure rates, and docket preparation. I have reviewed the projected caseloads with them and I believe their plan is sound. I believe joining this program will be in the interest of Val Verde and Terrell Counties. Rather than build a program ourselves and pay for the associated administrative costs, it makes financial and strategic sense to join a program with a demonstrated record of success.

I have discussed with the other courts: the 63rd District Judge Roland Andrade and the Val Verde County Court-at-Law Judge Sergio Gonzalez. We are unanimous in our support of this program. I have also discussed this with the Terrell County Judge Dale Carruthers. We are all in support this application.

Sincerely,

A handwritten signature in blue ink that reads "Robert E. Cadena".

Hon. Robert E. Cadena
Judge, 83rd Judicial District

County of Val Verde



Lewis G. Owens Jr.
County Judge

400 Pecan Street
Del Rio, TX 78840
Email: lowens@valverdecountry.texas.gov

Phone (830) 774-7501
Fax (830) 775-9406

May 10, 2024

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

Re: Letter of Support for FWTRPD expansion to Val Verde County, Texas

My name is Lewis Owens, and I am the elected County Judge of Val Verde County. Val Verde County is requesting to join the Far West Texas Regional Public Defender. In writing this, I will note for TIDC that I have unanimous approval from the Val Verde County Commissioners Court in this effort. I have reviewed the proposed budget and the caseload estimates. I believe joining this program will be in the best interest of Val Verde County. The 63rd and 83rd District Court Judges and the Val Verde County Court-at-Law Judge also support this application.

The indigent defense system in Val Verde County has reached a crisis point. The number of local attorneys on our appointment lists is now fewer than 5. Most of our court appointments go to out of county lawyers, who each carry caseloads in courts across the region and in federal court. These layers are not able to give Val Verde cases the attention that they need. The result has been dockets that do not move (in both district courts and the county court-at-law), and a jail population that is on the verge of exceeding our current contract bed allocation with the Geo Group. In the past, exceeding the Geo contract amount has cost Val Verde County around hundreds of thousands of dollars per year—an incredible burden on the county that the Far West Texas Regional Public Defender has proven that it can help with.

Our situation is about to get more complicated with the addition of a second Federal District Judge in the Western District of Texas-Del Rio Division. The time constraints of the appointment-wheel lawyers are only going to get worse.

Val Verde County has been impressed with the program built by the Far West Texas Regional Public Defender. Rather than build a program ourselves and pay for the associated administrative costs, it makes financial and strategic sense to join a program with a demonstrated record of success.

From 2006 until 2009, Val Verde County contracted with a third-party vendor to provide indigent defense services with TIDC funding on an 80-60-40-20 model. That funding model did not make sense at the time, because Val Verde had a higher number of resident lawyers willing to take court appointments and the full cost of running an effective program was prohibitive. Val Verde County also had issues with its relationship with the vendor.

Since that time, TIDC has revised its sustainable model. Val Verde County has also decided that being a part of a county-based regional public defender will allow it to have more insight into the finances and spending of the program.

Having lawyers based in the region who are dedicated to servicing indigent defendants in our courts will ultimately save Val Verde County hundreds of thousands of dollars in jail costs and countless hours of courtroom time. Our County is excited to join this program, with your help. If you should have any questions or concerns, please do not hesitate to contact me at your convenience. Thank you for your consideration of my letter of support.

Sincerely,

A handwritten signature in blue ink, reading "Lewis G. Owens, Jr.", written over a horizontal line.

Hon. Lewis G. Owens, Jr.
Val Verde County Judge



May 10, 2024

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

My name is Carlos Urias, and I am the elected County Judge of Culberson County. I fully support the several grant applications for FY 2025 for the Far West Texas Regional Public Defender.

Expansion

The overwhelming preference of the Oversight Board is for TIDC to approve an expansion of the program to Val Verde and Terrell Counties. An expansion will help provide long-term stability to the program. It will also lower costs for all counties by sharing administrative costs across a larger group of counties. The cost increases for this year without expansion were expected, but sharing those costs will help the taxpayers of my county continue with this important program.

We welcome the addition of these two counties and look forward to a shared future with them.

Cost increases without expansion

In the event that TIDC does not approve an expansion, we are asking for approval cost of living adjustments and some line-item costs increases. The one larger change—a merit increase for the chief of staff / lead investigator—is well deserved.

Increasing TIDC contribution

I also join with the other judges in requesting the Commission to consider funding this program at 80%. The current contribution, though incredibly helpful, is not sufficient. We do not have a significant tax base from which to draw revenue. The total tax revenue for Culberson County \$5,000,000; the total expenditures for the County is under \$8,000,000. We rely on other revenue sources to cover our general operating expenses. This program is necessary for Culberson County—it helps keep



our jail costs low and our CJIS numbers on track. And I have personally witnessed the amount that the current staff works to service our county.

The combined total of the current five counties approaches only 25,000. None of our counties alone currently even has 10,000 residents. With such a small population base, we lack the tax base to pay for the service needed. A modest increase in the TIDC will have a lasting impact on our region.

Indirect costs

Culberson County has, from the beginning, agreed to act as fiscal agent for this program. The program has grown in response to increased caseload and the high mental-health needs of the affected population, and the increased post-COVID travel brings larger numbers of people to the region. Staff in the Culberson County Treasurer's Office spend significant time managing the finances and reporting requirements for this program.

We are asking for an indirect cost line-item to help us manage this workload. Without expansion we are asking for \$84,000. With expansion, which effectively doubles the work and finances of the program, we were asking for \$167,000.

Magistration and appointment project

The Oversight Board has approved with enthusiasm the requested magistration and appointment project. This program would only serve the current five counties, as Val Verde County already employs a person to provide a similar service there.

Peer navigator

We are willing to pilot a program for a peer navigator, as suggested by Anthony Graves. None of the counties are able to support this experiment financially at this

CARLOS G. URIAS
CULBERSON COUNTY JUDGE

P.O. Box 927
Van Horn, Texas 79855



(432) 283-2059 | Fax (432) 283-9234
carlos.urias@co.culberson.tx.us

time, but we are willing to collect data and cooperate with Texas A&M to explore the viability and use of such a person.

Conclusion

All five counties appreciate the support for the Far West Texas Regional Public Defender from TIDC for the past seven program years. This program has been an incubator of ideas and a model for other programs that have been founded since 2017. The changes proposed here and designed to bring the program into increased long-term stability.

Sincerely,

A handwritten signature in black ink that reads "Carlos G. Urias".

Hon. Carlos Urias
Culberson County Judge

CARLOS G. URIAS
CULBERSON COUNTY JUDGE

P.O. Box 927
Van Horn, Texas 79855



(432) 283-2059 | Fax (432) 283-9234
carlos.urias@co.culberson.tx.us

May 10, 2024

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

My name is Carlos Urias, and I am the elected County Judge of Culberson County. I am the authorized official for all grant applications the Far West Texas Regional Public Defender.

After approval by the Texas Indigent Defense Commission, the Chief Public Defender will present at commissioners court for each participating county. After approval of interlocal agreements, I will present this grant to Culberson County Commissioners Court for final approval and then sign the resolution form after approval.

A handwritten signature in black ink that reads "Carlos G. Urias".

Hon. Carlos Urias
Culberson County Judge

Far West Texas Regional Public Defender					
Core Grant Proposed Budget FY2025		With Del Rio			
TIDC effective reimbursement rate:		0.8			
		2024 base	Proposed	Difference from 2024	
Salaries					
	Chief Public Defender	\$ 180,000.00	\$ 100,000.00	\$ (80,000.00)	
	First Assistant	\$ 162,000.00	\$ 45,000.00	\$ (117,000.00)	
	Lawyer	\$ 140,000.00	\$ 147,000.00	\$ 7,000.00	
	New Felony Lawyer	\$ -	\$ 120,000.00	\$ 120,000.00	
	Lawyer	\$ 100,000.00	\$ 105,000.00	\$ 5,000.00	
	Entry-level attorney	\$ 75,000.00	\$ 78,750.00	\$ 3,750.00	
	Chief of Staff	\$ 60,000.00	\$ 40,000.00	\$ (20,000.00)	
	Investigator	\$ 55,000.00	\$ 57,750.00	\$ 2,750.00	
	Administrative Assistant	\$ 49,000.00	\$ 51,450.00	\$ 3,000.00	
	Administrative Assistant II	\$ 42,000.00	\$ 44,100.00	\$ 2,100.00	
	Social Worker I	\$ 60,000.00	\$ 63,000.00	\$ 3,000.00	
	Social Work Caseworker	\$ 60,000.00	\$ 63,000.00	\$ 3,000.00	
	Total salaries	\$ 983,000.00	\$ 915,050.00	\$ (67,400.00)	
Benefits					
	Health Insurance	\$ 69,294.06	\$ 103,680.00	\$ 34,385.94	
	Retirement	\$ 110,096.00	\$ 102,485.60	\$ (7,610.40)	
	FICA	\$ 75,199.50	\$ 70,001.33	\$ (5,198.18)	
	Total benefits	\$ 254,589.56	\$ 276,166.93	\$ 21,577.37	
Travel & Training					
	Case related travel	\$ 16,000.00	\$ 16,000.00	\$ -	
	Investigator related travel	\$ 8,500.00	\$ 8,500.00	\$ -	
	Training costs I	\$ 8,000.00	\$ 8,000.00	\$ -	
	Travel related to training I	\$ 26,000.00	\$ 26,000.00	\$ -	
	SW case travel	\$ 11,000.00	\$ 11,000.00	\$ -	
	MSW training and travel	\$ 5,000.00	\$ 5,000.00	\$ -	
	MSW supervision by LCSW	\$ 10,000.00	\$ 10,000.00	\$ -	
	Total	\$ 84,500.00	\$ 84,500.00	\$ -	
Equipment & Supplies					
	Office equipment contracts	\$ 12,000.00	\$ 14,000.00	\$ 2,000.00	
	Office subscription services	\$ 23,000.00	\$ 24,000.00	\$ 1,000.00	
	Office supplies	\$ 8,300.00	\$ 8,300.00	\$ -	
	Total	\$ 43,300.00	\$ 46,300.00	\$ 3,000.00	
General fund contingency					
		\$ 8,000.00	\$ 8,000.00	\$ -	
Rent					
		\$ -	\$ 90,000.00	\$ 90,000.00	
Cleaning					
		\$ -	\$ 14,400.00	\$ 14,400.00	
Indirect					
		\$ -	\$ 166,917.00	\$ 166,917.00	
Total					
		\$ 1,230,212.00	\$ 1,601,333.93	\$ 228,494.37	
Total TIDC Contribution		\$ 858,565.00	\$ 1,281,067.14	\$ 182,795.49	
Total County Contribution		\$ 371,647.00	\$ 320,266.79		
				\$ 2,637,917.08	
Brewster	45.323%	\$ 168,441.60	\$ 145,154.51		
Culberson	11.722%	\$ 43,564.47	\$ 37,541.67		
Jeff Davis	7.954%	\$ 29,560.81	\$ 25,474.02		
Hudspeth	18.755%	\$ 69,702.41	\$ 60,066.04		
Presidio	16.246%	\$ 60,377.78	\$ 52,030.54		

Far West Texas Regional Public Defender					
Core Grant Proposed Budget FY2025		With Del Rio			
TIDC effective reimbursement rate:		0.8			
		2024 base	Proposed	Difference from 2024	
Salaries					
	Chief Public Defender	\$ 180,000.00	\$ 100,000.00	\$ (80,000.00)	
	First Assistant	\$ 162,000.00	\$ 45,000.00	\$ (117,000.00)	
	Lawyer	\$ 140,000.00	\$ 147,000.00	\$ 7,000.00	
	New Felony Lawyer	\$ -	\$ 120,000.00	\$ 120,000.00	
	Lawyer	\$ 100,000.00	\$ 105,000.00	\$ 5,000.00	
	Entry-level attorney	\$ 75,000.00	\$ 78,750.00	\$ 3,750.00	
	Chief of Staff	\$ 60,000.00	\$ 40,000.00	\$ (20,000.00)	
	Investigator	\$ 55,000.00	\$ 57,750.00	\$ 2,750.00	
	Administrative Assistant	\$ 49,000.00	\$ 51,450.00	\$ 3,000.00	
	Administrative Assistant II	\$ 42,000.00	\$ 44,100.00	\$ 2,100.00	
	Social Worker I	\$ 60,000.00	\$ 63,000.00	\$ 3,000.00	
	Social Work Caseworker	\$ 60,000.00	\$ 63,000.00	\$ 3,000.00	
	Total salaries	\$ 983,000.00	\$ 915,050.00	\$ (67,400.00)	
Benefits					
	Health Insurance	\$ 69,294.06	\$ 103,680.00	\$ 34,385.94	
	Retirement	\$ 110,096.00	\$ 102,485.60	\$ (7,610.40)	
	FICA	\$ 75,199.50	\$ 70,001.33	\$ (5,198.18)	
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Presidio	16.246%	\$ 60,377.78	\$ 52,030.54		

Culberson County
 FY 2025 Multi-Year Grant Request
Magistration and Appointment Project

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$118,278	\$116,278	\$116,278	\$116,278
County Match	\$23,656	\$46,511	\$69,767	\$93,022
FY25 Grant Request	\$94,622	\$69,767	\$46,511	\$23,256
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Culberson County and the Far West Texas Regional Public Defender Office (FWTRPDO) seeks grant funding to build a program and hire a full-time employee to serve as a magistration, appointment, and Indigent Defense Coordinator (IDC) who would maintain the automated appointment system. Currently, the five-county region that the FWTRPDO serves cannot keep up with its jail population, magistration and appointment requirements and struggles to comply with the Fair Defense Act, the precedent set by *Rothgery v. Gillespie County*, and TIDC reporting requirements. This new position will reduce the burden spread across multiple county and district employees, will save money by getting accused persons appointed counsel quickly to keep jail costs down, and ensure compliance with constitutional and TIDC requirements.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Culberson County Improvement Grant Application Narrative
Magistration and Appointment Project
Multi-year

a. Application Form

Counties Represented: **Brewster, Culberson, Hudspeth, Jeff Davis, Presidio**

Fiscal Year: **2025**

State Payee Identification Number: **746002433**

Division To Administer Grant: **County Judge's Office**

Program Title: **Magistration and Appointment Project**

Requested Grant Amount: **\$118,277.50**

Authorized Official: **Carlos G Urias**

Financial Officer: **Kerri L. Quiett**

Program Director: **James Gerard McDermott, II**

Mailing Address: **PO Box 927; 300 LaCaverna; Van Horn, TX 79855**

b. Introduction (Executive Summary)

Culberson County & the Far West Texas Regional Public Defender is requesting funding build a program and fund a position for a magistration, appointment and indigent defense coordinator. This would be a multifunction position that would maintain an improve the automated appointment system that TIDC helped to build, monitor, and audit the requirements for conflict counsel, maintain and submit IDER reports, monitor jail lists, requests for counsel and help these rural counties comply with the standard set under *Rothgery v. Gillespie County*.

c. Problem Statement

The Far West Texas Regional Public Defender was created in October 2017 and covers an area of over 20,000 square miles and the following counties: Culberson and Hudspeth in the west, and Brewster, Jeff Davis, and Presidio in the east. The largest city is Alpine, with a population 5,967. The county populations range from Brewster, the largest, at 9,173 to Jeff Davis, the smallest, at 2,204. The five counties include some of the highest poverty rates in Texas. Currently, the five-county region that the Far West Texas Regional Public Defender services cannot keep up with its jail population, magistration and appointment requirements. It is estimated that 30% of the cases in the county have a transnational and transcontinental element.

The elected magistrates, District and County judges' staff, local jail staff and others work hard to comply with constitutional and legal requirements, the counties continue struggle to comply with the Fair Defense act, *Rothgery*, and reporting requirements. These offices, in conjunction with the Far West Texas Regional Public Defender and the 83rd District Attorneys' office all work in together in a hodgepodge attempt at monitoring jail lists, and appointments, complying with magistration and appointment requirements under the Fair Defense act, continuing to monitor jail populations, tracking data for CJIS and IDER, including arrest, magistration and disposition, monitoring CLE and statutory compliance by appointed counsel, maintaining and improving the current automated appointment system, and being able to mobilize quickly when an accused demands an attorney at magistration.

While these stakeholders have attempted to successfully navigate this incredibly diverse list of issues, overwhelmingly this responsibility lands on overworked, unknowledgeable, and underpaid people who only deal with a small fraction of the list. It has not been without mistakes, and failures, and only in some cases narrowly avoided catastrophe, lawsuits, and violations of fundamental rights.

d. Objectives

The objective of this grant is to:

1. Reduce

- a. The burden on the county and district offices who are responsible for addressing the issues outlined in the problem statement, as well as eliminate non-responsible offices involvement in the system.
- b. Time between arrest and appointment of counsel.

- c. Errors and delays in the magistration process.
 - d. Liability for the five counties in the program.
 - e. Costs associated with continued incarceration of accused.
 - f. Need for costly representation of accused persons at magistration.
2. *Save*
- a. Save struggling county and district budgets by reducing the need for employees in individual offices to handle these issues, by consolidating these responsibilities into one central office.
 - b. Act as insurance for potential lawsuits for failure to meet legal requirements.
 - c. Save money by assuring accused persons get appointed counsel quickly to keep jail costs down.
3. *Maintain*
- a. Maintain, expand, and improve automated appointment system.
 - b. Records relating to and including data for reporting requirements under IDER, CJIS and other criminal justice related reports for all counties.
 - c. Outside appointment lists and CLE compliance for non-public defender appointed counsel.
4. *Collect*
- a. Data for reporting requirements under IDER and CJIS.
 - b. Collect and monitor information on jail populations.
 - c. Data regarding magistration and appointment timelines and compliance.
 - d. Data with regard to case origins and transnational association.
5. *Educate*
- a. Educate magistrates, jail staff and other stakeholders about requirements, compliance, legal and constitutional issues.
6. *Comply*
- a. Attempt to find cost effective solutions to constitutional requirements that are beyond the means of these counties.
 - b. Comply with IDER and CJIS reporting requirements timely.
 - c. Ensure compliance with the Fair Defense act.

To accomplish these objectives the office intends to:

- 1. Within 60 days of receiving funding, hire an employee with experience to build this project.
- 2. Within 90 days of receiving funding, make contact and have meaningful discussions with stakeholders on how the new position can improve the current hodgepodge system.
- 3. Within 120 days have systems in place and data collection methods secured for meaningful updates to the county stakeholders.
- 4. Ensure IDER and CJIS reporting requirements can be met timely, ensure compliance with the Fair Defense act, act as an intermediate solution to the *Rothgery* problem by creating forms, data collection procedures and consistency across the region with regards to magistration, bonds and those processes.

e. Activities

This position does not currently exist at the Far West Texas Public Defender nor in the region. Any portion of the work currently performed in the counties is performed by an assortment of different positions scattered across 20,00 square miles in more than 30 different offices.

1. Hiring process of the Magistration, appointment and Indigent Defense Coordinator: Job description of this position will be posted at the appropriate sites. Objective to hire within 60 days of funding.
2. Startup tasks:
 - a. buy computer and subscribe to necessary programs for data tracking and maintenance of pre existing infrastructure.
 - b. Identify current major problems in the system, contact stakeholders for meaningful discussions on system improvements.
3. Ongoing program activities:
 - a. Build and maintain systems for major problem areas including, magistration, data collection, jail monitoring, appointment processing, indigent defense process supervision, compliance monitoring.
 - b. Develop and deploy systems to meaningfully reduce unrepresented people at magistration.
 - c. Ensure accurate and timely reporting for CJIS and IDER as well as other criminal justice related data reporting requirements.
 - d. Reduce jail populations.
 - e. Collect data on transnational and transcontinental caseloads across the counties.

f. Evaluation

1. Document date of hire and date of plan implementation.
2. Quarterly data reports as required by IDER, CJIS and to the Chief Public Defender. Including regarding jail populations, transnational caseloads, magistrations, appointment processing, appointment lists.
3. Quarterly narrative report on status of program, including built and functioning systems, education objectives achieved, and case outcomes if available.
4. Chief Public Defender will oversee performance and review status of overall objectives and continued implementation of technology, automation and monitoring of program objectives.

g. Future Funding

The Far West Texas Regional Public Defender is on a sustainable funding model for rural programs with TIDC. The poverty of the 5 counties is overwhelming, and the tax base for county governments is low.

The counties request TIDC to deviate from the published funding schedule and fund this position at 100% for first two years and 80% each of years 3 and 4. After year 4, the counties will request the position to be absorbed into the ongoing sustainable grant at the rate set for the remainder of the program. The counties will modify their interlocal agreement to reflect the increased costs after year 2.

h. Budget Narrative and Budget Form

Estimated first-year costs at \$118,277.50, with annual costs thereafter at \$116,277.50.

1. Salary: \$75,000. After researching the technical and operational knowledge requirements and identifying comparison type positions in other counties this salary range is required in order to fill the position with someone competent.

Although the region covered is rural, living expenses run high. The office is located in Alpine, in Brewster County, and the area is highly touristed relative to the resident population, resulting in high housing costs. In addition, recruiting for a rural office continues to be a challenge. Without a competitive salary, the position would be difficult or impossible to fill, a problem already experienced with attorney recruitment.

2. Fringe benefits: 22,777.50, according under the current Culberson County policies.

3. Training & Related Costs: \$3,000. This position would need ongoing professional and technical training. The region is far from resources. The nearest commercial airport is two and a half hours away and Austin is six hour driving.

- 4. Cost of work-related travel: \$9,000. This position would cover 20,000 square miles of Texas and would need to consistently visit jails in all counties as well as magistrates offices and attend court settings. Travel is a regular and expensive part of daily work in this region. Under-estimating travel needs for the office has been a problem in previous fiscal years.
- 5. One-time equipment: \$2,000. Computer: \$2,000.
- 6. Supplies: \$8,500. Includes software licenses and office equipment contracts.
- 7. Cost of rental space currently is \$0. Much of this work will be conducted from the employee's home or on the road.

Personnel Costs		\$97,777.50
FTE's	1.00	
Salary	\$75,000.00	
Fringe Benefits	\$22,777.50	
Travel and Training		\$10,000.00
Equipment		\$2,000.00
Supplies		\$1,500.00
Contract Services		\$7,000.00
Indirect		
Total		\$118,277.50
Required County Match		\$0.00
Total less County Match		\$118,277.50

Home

Culberson County
FY 2025 Single-Year Grant Request
Peer Navigation Pilot Project

	Year 1
Total Program Cost	\$175,845
County Match	
FY25 Grant Request	\$175,845
TIDC/County Share	

Program Summary

Culberson County and The Far West Texas Regional Public Defender Office (FWTRPDO), in partnership with the Peer Navigator Project and Texas A&M's Public Policy Research Institute (PPRI), seek a single year grant award to pilot and study the use of Peer Navigators in Texas over 2 years. The County proposes hiring one Peer Navigator and a part-time Project Grant Manager to serve as the liaison between the Project and its partners. Peer Navigators are formerly incarcerated individuals trained to work within Public Defender offices to assist clients achieve the best outcomes in their criminal cases.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Culberson County Improvement Grant Application Narrative
Peer Navigation Pilot Project
Single-year

a. Application Form

Counties Represented: **Brewster, Culberson, Hudspeth, Jeff Davis, Presidio**

Fiscal Year: **2025**

State Payee Identification Number: **746002433**

Division To Administer Grant: **County Judge's Office**

Program Title: **Peer Navigation Pilot Project**

Requested Grant Amount: **\$175,845.00**

Authorized Official: **Carlos G Urias**

Financial Officer: **Kerri L. Quiett**

Program Director: **James Gerard McDermott, II**

Mailing Address: **PO Box 927; 300 LaCaverna; Van Horn, TX 79855**

b. Introduction (Executive Summary)

The Far West Texas Public Defender Office, in partnership with the Peer Navigator Project and Texas A&M's Public Policy Research Institute, plans to pilot and study the use of Peer Navigators in Texas over two years. Peer Navigators are formerly incarcerated persons trained and mentored to work within public defender offices to assist clients to achieve the best outcomes in criminal cases. We believe Peer Navigators will (1) save money by allowing lawyers to focus on legal work; (2) educate clients so that they better understand the criminal justice system; and (3) build trust in the criminal justice system.

c. Problem Statement

Texas has lost over 1/4th of its rural defense attorneys in the last 8 years. TIDC data shows that scores of rural defense attorneys have left the practice, shrinking local appointment lists. With average law school debt now hovering around \$200,000, few new attorneys wish to hang a shingle in rural Texas and start a criminal defense practice.

At the same time, in much of rural Texas, case numbers have risen in recent years. The pandemic caused backlogs, which some areas are only now digging out of. Additionally, while misdemeanor cases have trended downward in many places, felony cases have trended upward, creating a greater demand on the time of an increasingly small pool of experienced defense attorneys.

This has created an inescapable tension: with fewer attorneys and more cases, caseloads have shot up. Now stretched thin, defense attorneys struggle to meet basic legal tasks, like investigation, research, client communication, and motion practice. This leaves little if any time to serve individual clients.

Clients rarely understand the criminal justice system, the actors in that system, criminal procedure, their options under the law, or the repercussions of choices they must make. In the best of times, lawyers had little time to explain this to clients, their friends, or family members. Today, with defense attorneys stretched thin, those personalized conversations that are so critical to a client's future are all but impossible.

Additionally, many of these tasks-spending time with clients; listening to ascertain their ability to understand the criminal justice system; empathizing with clients to build relationships; explaining basic criminal justice procedures; explaining what choices belong to the client; explaining the consequences of the decisions they must make; explaining how they should prepare for jail, prison, or supervised release-need not be done by an attorney. Indeed, when an attorney performs these necessary tasks, taxpayers are arguably paying too much for the tasks to be performed, when there is a less expensive option.

Finally, while attorneys, armed with knowledge of criminal law, criminal procedure, and the rules of evidence, have an essential role to play, most have not been subject of arrest, detention, criminal law, or criminal procedure. When clients ask about preparing for trial from the perspective of a client, how best to serve their attorney in their legal tasks, how to prepare for jail or prison time, or how to best use that time to avoid the criminal justice system in the future and lower recidivism rates, attorneys

are not qualified to answer those questions.

d. Objectives

Peer Navigators are formerly incarcerated persons trained and mentored to work within public defender offices to assist clients to achieve the best outcomes in criminal cases. Program activities, including timelines, are described in detail in the next section. In this section, we outline both Objectives and Research Questions.

Objectives

Our primary goal is to pilot and study the use of Peer Navigators in Texas to determine their utility over the course of 2 years.

Specifically, by employing Peer Navigators, we seek to address client-related issues that cannot be addressed by attorneys, either because their lack of direct experience or lack of capacity due to caseloads.

We seek to do that by employing a Peer Navigator at the Far West Texas Public Defender Office, training that Peer Navigator, mentoring that peer navigator, and allowing Texas A&M's Public Policy Research Institute to study the program's implementation and results. Our hypothesis is that the Peer Navigator Program will (1) improve outcomes and understanding for clients; (2) reduce recidivism; (3) empower formerly incarcerated individuals; and (4) build community. Each of these 4 objectives is described below.

Objective 1: Improving Outcomes and Understanding for Clients

This program aims to better serve clients, so that they understand the criminal justice system, the actors in that system, criminal procedure, their options under the law, and the repercussions of choices they must make.

Objective 2: Reducing Recidivism

By providing support and resources to help formerly incarcerated individuals successfully navigate the criminal justice system, the program aims to reduce the likelihood that they will return to jail or prison in the future. Secondly, by lowering recidivism and helping to ensure that clients avoid future entanglement in the criminal justice system, we hope to improve clients' future employment, housing, and healthcare options.

Objective 3: Empowering Formerly Incarcerated Individuals

The primary aim of this program is to benefit current public defender clients, by helping them navigate an often-complicated criminal justice system. Meanwhile, the program helps train and educate formerly incarcerated persons to serve those clients.

Objective 4: Building Community

This program aims to build a community of support and mentorship among past and current clients. It will provide greater understanding of the criminal justice system, as well as tools for avoiding involvement in the criminal justice system in the future.

Research Questions

Texas A&M's Public Policy Research Institute (PPRI) will study this program's implementation and effectiveness. PPRI has worked with the Texas Indigent Defense Commission for over 20 years in several different capacities. Specifically, PPRI has served as TIDC's data website vendor, as an ongoing research partner, and as a project-specific partner for programs such as this one.

Dr. Georges Naufal will lead this project for PPRI. He will be aided by research assistants and Texas A&M students on his staff. Research for this project will have both qualitative and quantitative elements.

Research Questions will include the following:

Research Question 1: Attorney Time Saved

Does the Peer Navigator program free up attorney time? Specifically, does the Peer Navigator program allow the lawyers at the Far West Texas Public Defender Office to spend more time on strictly legal tasks, such as legal research, motion practice, and courtroom time?

Research Question 2: Clients Served

How many clients does the Peer Navigator project serve in the Far West Texas Public Defender Office? What is the make-up of those clients with regard to (1) misdemeanor versus felony clients; (2) local versus out-of-county clients; (3) clients in jail versus released pretrial; (4) county served (of Far West Texas Public Defender Office's five counties); (5) demographic information, including sex and race.

Research Question 3: Services

How does the Peer Navigator program serve Far West Texas Public Defender clients? What percentage of time is spent on specific activities, including reviewing client case files (*e.g.*, case management system notes, arrest records, criminal history), meeting with clients (*e.g.*, listening to clients, note-taking, explaining elements of the criminal justice system, planning for jail or prison time, planning for release); or

Research Question 4: Peer Navigator Training and Mentoring

Does the 2-week Peer Navigator Training Program sponsored by Public Welfare Foundation and the ongoing Peer Navigator mentoring program support the Peer Navigator in the program's stated goals and objectives?

Research Question 5: Client Case Outcomes

Does involvement by a Peer Navigator improve clients' case outcomes, including dismissals, pleas, and sentencing?

e. Activities

We propose a 2-year pilot project and study. That 2-year project timeline includes (1) Hiring; (2) Training; (3) Incorporating into the Office; (4) Beginning Peer Navigation; (5) Ongoing Mentoring; (6) Reporting. Each of these Activities is explained in greater detail below, along with the time frame for each activity.

Notably, this program implements a new component into an existing program. Aside from the Harris County Public Defender Office, no other program in the state has implemented a Peer Navigator position. This pilot project is unique in within Texas and across the nation.

Activity 1: Hire a Peer Navigator and a Part Time Project Grant Manager within 90 days of the grant's commencement.

(October - December 2024)

Far West Texas Public Defender Office will work hand-in-hand with the Peer Navigator Project to draft a job description and solicitation, widely post that solicitation, aggregate applications, review credentials, and interview potential Peer Navigators and Project Grant Managers.

The Part Time Project Grant Manager will serve as the liaison between the Project and its partners ensuring that grant deliverables are being met on time and within budget and program parameters.

Because the Far West Texas Public Defender Office has been operating for the better part of a decade now, there are many former clients who may apply. However, applicants need not be former clients of this office.

Activity 2: Train the Peer Navigator Peer Navigator Project.

(January 2025)

The Peer Navigator Project has developed a 12-week core training program that is required for all Peer Navigators. The training program was developed in partnership with the Public Welfare Foundation. Because of the Public Welfare Foundation's investment in the training program, TIDC's support for the training component will be included in the amount listed in the budget.

Activity 3: Incorporate the Peer Navigator into the Far West Texas Public Defender Office.

(February 2025)

The Peer Navigator will be introduced into the Far West Texas Public Defender Office, one of Texas's leading public defender programs. The program has strong leadership and supervision, as well as case management and protocols.

Far West Texas Public Defender Office will meet with the newly trained Peer Navigator, determine how best to incorporate the Peer Navigator into the existing practice, and train the Peer Navigator on existing Far West Texas Public Defender Office processes and procedures, including staff meetings, cases processing, case management, and important actors in the local criminal justice system.

Selection of the Far West Texas Public Defender Office is intentional. This office has served as a blueprint for most of the rural public defender offices built in the past decade. Other rural defenders look to this program for guidance and best practices.

Activity 4: Peer Navigation Begins

(February 2025 - September 2026)

After hiring, selection, and training, the Peer Navigator may begin his or her work. That work will include spending time with clients; listening to ascertain their ability to understand the criminal justice system; empathizing with clients to build relationships; explaining basic criminal justice procedures; explaining what choices belong to the client; explaining the consequences of the decisions they must make; explaining how they should prepare for jail, prison, or supervised release; communicating with attorneys and other staff.

Activity 5: Mentoring

(February 2025 - September 2026)

In addition to the 12 week core training, the Peer Navigator Project will also provide ongoing mentoring and support for the Peer Navigator. This mentoring component is supported in large part by the Public Welfare Foundation. Mentoring and support will take the form of twice-monthly video calls with staff and cohort members at the Peer Navigator Project.

Activity 6: Reporting

(February 2025 - September 2026)

This work will also require a reporting element, both in order to report program progress to TIDC, as well as to provide the information necessary for PPRI to conduct its research. The Peer Navigator will be required to use the Far West Texas Public Defender Office's case management system, as well as provide aggregated data for research purposes.

f. Evaluation

The process that will be used to determine whether the program has met our stated objectives and measures will be executed by Texas A&M's Public Policy Research Institute (PPRI). The program evaluation will be led by Dr. Georges Naufal, who will be assisted by PPRI staff and students.

Our hypothesis is that the Peer Navigator Program will (1) improve outcomes and understanding for clients; (2) reduce recidivism; (3) empower formerly incarcerated individuals; and (4) build community.

PPRI will evaluate these objectives using both qualitative and quantitative methods, with a focus on the Research Questions described above. These methods will include the following:

Research Method 1: Case Management System Review

PPRI will review aggregated data from Far West Texas's case management system, Legal Server. PPRI will review this data with an eye toward (1) misdemeanor versus felony clients; (2) local versus out-of-county clients; (3) clients in jail versus released pretrial; (4) county served (of Far West Texas Public Defender Office's five counties); (5) demographic information, including sex and race.

Research Method 2: Staff Interviews and Focus Groups

PPRI will interview members of the Far West Texas Public Defender Office to determine program effectiveness, challenges, opportunities for growth, and potential failings. Interviews and focus groups will be conducted with an eye toward both the program's effectiveness, as well as the program's ability to be incorporated into this and other public defender offices. Researchers will also help determine what impact this program has on other county entities, including jails, court administrators, and the financial office.

Research Method 3: Client Survey

PPRI will develop a short, optional client survey to determine whether clients believe they benefitted from the Peer Navigator program, whether they would recommend the program for other clients, and what they might improve about the program.

Research Method 4: Comparative Study with Harris County

Harris County Public Defender Office currently hosts a Peer Navigator in its office. (TIDC funding is not required for that position.) The research component of this program would also fund PPRI to study the position in Harris County to determine its viability and impact.

g. Future Funding

The purpose of this pilot project is to determine the viability of this model for Far West Texas and other public defender offices. We hypothesize that this work could save money by (1) freeing up attorneys to do more legal work; (2) paying a lower salary (*i.e.*, less than attorney wages) to a Peer Navigator to perform work that attorneys would otherwise perform; and (3) ensuring better case outcomes and thereby saving jail and prison bed days; and (4) lower recidivism. However, without this project, we cannot answer these cost questions. If, as we hypothesize, there are cost-saving elements to this project, long-term budget planning should be far easier. Indeed, it may be possible that this model spreads and is later incorporated into TIDC public defender planning studies.

h. Budget Narrative and Budget Form

The main costs for this project are as follows: (1) salary, fringe benefits, space, supplies, and travel for the Peer Navigator and Part Time Project Grant Manager; (2) Training and Mentoring for the Peer Navigator (heavily subsidized by the Public Welfare Foundation grant); (3) Indirect Cost at 10% de minimis and (3) research costs.

Salary, Benefits, and Other Related Costs - Approx. \$91,000 per year

The Peer Navigator's annual salary will be \$60,000 in the first year and \$63,000 in the second year. The Part Time Project Grant Manger's annual salary will be \$19,500 in the first year and \$20,475 in the second year. We arrived at this cost by considering salaries within the Far West Texas Public Defender Office, as well as other salaries locally. Employer taxes and employee benefits will be approximately \$22,288 in the first year and \$22,703 in the second year.

Space will be approximately \$5,000 per year for each of the two grant years.

Supplies will be approximately \$4,000 in the first year and \$2,000 in the second year. (Supplies will be higher in the first year, due to purchase of a laptop and other necessities.)

Travel will be approximately \$3,000 per year for each of two years.

Indirect Costs

Costs of support services to carry out programmatic services that are not readily identified, but are necessary for the general operation of the program and the activities it performs will be approximately \$14,557 in year one and \$14,785 in year 2.

Training and Mentoring - \$7,500 per year

Most of the training costs are covered by the Public Welfare Foundation grant. The project requires an additional \$7,500 per year to cover remaining travel, training, mentoring, and certification costs.

Research Costs - \$45,000 per year

Dr. Naufal's team has slightly discounted their rates to study this promising project. They are willing to complete the research for this project for \$45,000 per year.

Personnel Costs		\$101,788.00
FTE's	1.25	
Salary	\$79,500.00	
Fringe Benefits	\$22,288.00	
Travel and Training		\$10,500.00
Equipment		\$2,000.00
Supplies		\$2,000.00
Contract Services		\$45,000.00
Indirect		\$14,557.00
Total		\$175,845.00
Required County Match		
Total less County Match		\$175,845.00

Home

**CARLOS G. URIAS
CULBERSON COUNTY JUDGE**

P.O. Box 927
Van Horn, Texas 79855



(432) 283-2059 | Fax (432) 283-9234
carlos.urias@co.culberson.tx.us

May 10, 2024

Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

My name is Carlos Urias, and I am the elected County Judge of Culberson County. I the authorized official for all grant applications the Far West Texas Regional Public Defender.

After approval by the Texas Indigent Defense Commission, the Chief Public Defender will present at commissioners court for each participating county. After approval of interlocal agreements, I will present this grant to Culberson County Commissioners Court for final approval and then sign the resolution form after approval.

A handwritten signature in black ink that reads "Carlos G. Urias".

Hon. Carlos Urias
Culberson County Judge

RFA Title

RFA Number

Applicant:

The Anthony Graves Foundation - Peer Navigator Project

BUDGET SUMMARY FORM

Cost Categories	Administrative Costs¹	Program Costs	Total Costs
Salary/Wage	\$0.00	\$79,500.00	\$79,500.00
Fringe Benefits	\$0.00	\$22,288.00	\$22,288.00
Travel	\$0.00	\$3,000.00	\$3,000.00
Supplies	\$0.00	\$4,000.00	\$4,000.00
Equipment	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$52,500.00	\$52,500.00
Other	\$16,129.00	\$0.00	\$16,129.00
Total Funds Requested	\$16,129.00	\$161,288.00	\$177,417.00

Total Requested Amount:	\$177,417
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Indirect Cost Rate Percentage (if applicable): 10.00%

End of Worksheet

RFA Title

RFA Number

Applicant:

The Anthony Graves Foundation - Peer Navigator Project

BUDGET SUMMARY FORM

Cost Categories	Administrative Costs¹	Program Costs	Total Costs
Salary/Wage	\$0.00	\$83,475.00	\$83,475.00
Fringe Benefits	\$0.00	\$22,703.00	\$22,703.00
Travel	\$0.00	\$3,000.00	\$3,000.00
Supplies	\$0.00	\$2,000.00	\$2,000.00
Equipment	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$52,500.00	\$52,500.00
Other	\$16,368.00	\$0.00	\$16,368.00
Total Funds Requested	\$16,368.00	\$163,678.00	\$180,046.00

Total Requested Amount:	\$180,046
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Indirect Cost Rate Percentage (if applicable): 10.00%

End of Worksheet

Fort Bend County

FY 2025 Multi-Year Grant Request

Expansion Fort Bend County Public Defender Appellation Section

<-----Projected----->

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$362,007	\$346,577	\$346,577	\$346,577
County Match	\$72,401	\$138,631	\$207,946	\$277,262
FY25 Grant Request	\$289,606	\$207,946	\$138,631	\$69,315
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Fort Bend County is seeking grant funding to create an Appellate Section at the Fort Bend County Public Defender Office to handle both felony and juvenile appeals. This will even out the playing field between the District Attorney’s Appellate Section and the Defense to ensure quality representation at all levels. The Appellate Section will be staffed by 2 full-time attorneys and a part-time administrative assistant.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Fort Bend County Improvement Grant Application Narrative
Fort Bend County Public Defender Appellation Section
Multi-year

a. Application Form

Counties Represented: **Fort Bend**

Fiscal Year: **2025**

State Payee Identification Number: **746001969**

Division To Administer Grant: **Public Defender**

Program Title: **Fort Bend County Public Defender Appellation Section**

Requested Grant Amount: **\$289,606.00**

Authorized Official: **Roderick Glass**

Financial Officer: **Robert Ed Sturdivant**

Program Director: **Roderick Glass**

Mailing Address: **301 Jackson Street; Richmond, TX 77469**

b. Introduction (Executive Summary)

Fort Bend County spent approximately \$323,000 on indigent Appeals last year. Court appointed counsel currently do appeals, however, there is no guarantee that you get someone who has experience doing appeals. Moreover, some judges appoint the same attorney who did the trial or hearing. The main goal of an Appellate Section of the Public Defender is do quality appeals for indigent clients. It is the even the playing field between the District Attorney's Appellate Section and the Defense. Justice works when both sides have quality representation at all levels. The Appellate section will do both felony and juvenile appeals.

c. Problem Statement

Currently, Judges appoint court appointed counsel for both felony appeals and juvenile appeals. Some judges appoint the same person who did the hearing or trial to the appeal. Many do not know the deadlines involved. Many, have never done an appeal.

The District Attorney has an Appellate Section with seasoned attorneys who only do appeals. They often attend hearings and often whisper in ears of the hearing attorneys or do memos for the Judges on issues that might arise. Defense attorneys are often overwhelmed and are forced to respond to legal memos at the spur of the moment.

The Public Defender has already done excellent work for indigent defendant/clients in both trial and mental health. An Appellate section is the only place where the District Attorney still has supremacy.

d. Objectives

1. Appellate Section will do indigent Appeals.
2. Appellate Section will assist both Trial and Mental Health sections on important legal matters.
3. Appellate Section will hold training for local bar about when to file notice appeal and what matters to file notice of appeal. As well as preserving error.
4. The number of appeals, petition for discretionary review, the number hearings, and the number of trainings can be counted for evaluation and progress reports.

e. Activities

1. Hire Attorney II who is experience with doing appeals, reply briefs, accelerated appeals, petitions for discretionary review, writs of habeas corpus and oral agument.t. Able to train Attorney I.
2. Hire Attorney I who has experience with general appeals who will learn from Attorney II about reply briefs, petitions for discretionary review, as well argument.
3. Hire part-time Administrative Assistant who will calendar deadlines, make arrangements for travel for oral argument and CLE.
4. Computers, desks, phones, printers, laptops, for both attorneys and administrative assistant will be part of start-up costs.

5. Ongoing activities include appeals and training local bar members about preserving error and filing notice of appeal after hearings or trial.

f. Evaluation

1. Number of felony appeals.
2. Number of misdemeanor appeals
3. Number of Juvenile appeals.
4. Number of Reply briefs.
5. Number of PDR's filed.
6. Number of trainings.
7. Number of oral arguments requested.
8. Number of oral argument attended.

g. Future Funding

Fort Bend County has supported the Public Defender program with every step. It was created by a grant for Mental Health. It has expanded the Mental Health section several times after the grant ended.

Fort Bend County supported the Trial Section after it was created by a grant. It has expanded the trial section several times after the grant ended.

Fort Bend County has supported the Padilla Attorney after the grant ended.

Fort Bend County has supported each program after each grant. Every grant was from the Texas Indigent Defense Commission.

Fort Bend County has continued the Advisory Board meetings every year since the very first grant. We continue to meet quarterly. This year makes 14 years of board meetings. Advisory board continues to have 2 Commissioners, 2 local bar members, 1 Behavioral Health member, and both felony and misdemeanor judges.

Public Defender continues to save the County money. Appellate section will do the same.

h. Budget Narrative and Budget Form

Equipment will be a one time cost..

Travel and training will go down. Amount includes State Bar Dues, Local Bar Dues, and TCDLA dues. Public Defender training cost reductions and scholarships will go in effect so amount will decrease.

Indirect Cost - the true insurance cost will not be known until January 1, 2025. Difference is usually just a few hundred dollars which would normally go into Fringe Costs. If insurance does not go up, then indirect cost would be zero.

Personnel Costs		\$343,516.00
FTE's	2.50	
Salary	\$249,551.00	
Fringe Benefits	\$93,965.00	
Travel and Training		\$2,200.00
Equipment		\$15,430.00
Supplies		\$500.00
Contract Services		\$0.00
Indirect		\$361.00
Total		\$362,007.00
Required County Match		\$72,401.00
Total less County Match		\$289,606.00

Hardin County
 FY 2025 Multi-Year Grant Request
Contract Defender Drug Impact Court Program

	<-----Projected----->			
	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$200,000	\$200,000	\$200,000	\$200,000
County Match	\$40,000	\$80,000	\$120,000	\$160,000
FY25 Grant Request	\$160,000	\$120,000	\$80,000	\$40,000
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Hardin County is seeking grant funding to establish a contract defense counsel program to provide indigent defense counsel for defendants charged with felony and misdemeanor drug offenses in the 356th District Court Drug Impact Court and County Court. Contract defense counsel eliminates delays in selection and provides an efficient and uniform process for indigent defense representation.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Hardin County Improvement Grant Application Narrative
New Improvement Grant Application. Contract Defender Drug Impact Court Program
Multi-year

a. Application Form

Counties Represented: **Hardin**

Fiscal Year: **2025**

State Payee Identification Number: **17460015369**

Division To Administer Grant: **Hardin county 356th District Court**

Program Title: **New Improvement Grant Application. Contract Defender Drug Impact Court Program**

Requested Grant Amount: **\$200,000.00**

Authorized Official: **Wayne McDaniel**

Financial Officer: **Angela J. Gore**

Program Director: **Wayne McDaniel**

Mailing Address: **300 W. Monroe; Kountze, TX 77625**

b. Introduction (Executive Summary)

Judge Steve Thomas, 356th District Court implemented a Drug Impact Court with the objective of contractually retaining select qualified attorneys to provide indigent defense counsel for persons charged with misdemeanor and felony drug offenses. The Contract defense counsel program would permanently select at least one or possibly two attorneys that would provide indigent defense counsel for defendants charged with felony/misdemeanor drug offenses and would eliminate the selection of assigned counsel from the "rotation wheel" for defendants charged with drug offenses. The rotation wheel selection for indigent defense will remain in effect for other criminal offenses.

c. Problem Statement

Contract defender program provides a contractual agreement with select defense counsel to alleviate delay in acquiring indigent defense representation for persons charged with drug offenses. Program goal is to contract with selected qualified attorney(s) to provide indigent defense for defendants charged with drug offense in the 356th District Drug Impact Court, and referred misdemeanor drug offenses in County Court. Contract defense counsel eliminates delays in selection and provides an efficient and uniform process for indigent defense representation. Based on Hardin County FY23 Indigent Defense Expenditure report, 944 criminal cases were assigned indigent defense counsel. This includes all courts hearing criminal and juvenile cases. Total expenditure for assigned counsel was \$405,158.75. Formula grant eligibility will provide a reimbursement of approximately \$44,000.00. Contract Defender improvement grant award provides a substantial subsidy for incurred indigent defense counsel costs.

d. Objectives

Awarded funds will be utilized for selected attorney(s) that are designated for indigent defense of defendants in drug related cases. Contract defense counsel availability specific to Drug Impact court, omits the current rotation "wheel" selection for assigned counsel, alleviating delays in the defendant representation process. creating uniformity and efficiency. Defendant eligibility for alternative programs reduces incarceration time, providing rehabilitative opportunities. Attorney selection, performance oversight, attaining program goals while maintaining compliance with the current, approved Hardin County Indigent Defense will be the oversight responsibility of the Judges and court administrators of both the 356th District Court and the County Court.

e. Activities

Judge Steve Thomas implemented a Drug Impact court in the 356th District Court. Utilizing funds from SB 22, an attorney was hired with specific responsibility to prosecute defendants charged with drug/drug related offenses. Implementation of contract defender program will mitigate docket backlogs that the 356th District Court and County Court currently experience under the rotation, assigned counsel program. Improvement program will potentially provide a more efficient and uniform system in the judicial processing of defendants charged with drug offenses.

f. Evaluation

Judge Steve Thomas, 356th District Court and Judge Wayne McDaniel County Judge will provide oversight and evaluation of achieved objectives/activities of the contract indigent defense counsel program. Judge's Thomas and McDaniel will select the attorney(s) for the Drug Impact Court indigent defense counsel. The selection and oversight of all activities will be in compliance with the current, approved Hardin County Indigent Defense plan. This includes, but is not limited to, attorney felony/misdemeanor case qualifications, compliance with billing fees. and any other factors that are relevant in the selection process.

Data from initial consult to case disposition will be entered and integrated into current, digital recording system for both the 356th District and County Court. Data entry and custodial integrity are the responsibility court administrators assigned to each respective court.

Tracking caseloads and final dispositions factor into evaluation of goals and objectives attained in the contract indigent defense counsel program.

g. Future Funding

Awarded funds will be utilized to sustain contract defender indigent defense counsel for 356th District Court, Drug Impact court.
 Funds will be direct deposited into an established line item account designated for defense counsel payment of contracted attorney(s). Selected attorney(s) contract payment amount is dependent on grant funds awarded to the 356th District Court Contract defender program for the implemented Drug Impact.

h. Budget Narrative and Budget Form

Hardin County is making application for the multi-year New Improvement Grant to support the 356th District Court's implemented Drug Impact Court.
 Award would finance submitted fees from attorney(s) under contract for indigent defense counsel of defendants charged with felony and misdemeanor drug offenses. Billing will remain in compliance with the schedule of fees in the current, approved Hardin County Indigent Defense Counsel program.
 There are no indirect or equipment costs. Billing will be directly related to approved fees incurred by contract defense counsel representation of indigent defendants in the 356th District drug impact court and County Court (referred misdemeanors).

Personnel Costs	\$0.00
FTE's	
Salary	
Fringe Benefits	
Travel and Training	
Equipment	
Supplies	
Contract Services	\$200,000.00
Indirect	
Total	\$200,000.00
Required County Match	\$40,000.00
Total less County Match	\$160,000.00

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Hays County

FY 2025 Mental Health Grant Request

Mental Health Team for the Hays County Public Defenders Office

<-----Projected----->

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$600,000	\$590,000	\$590,000	\$590,000
County Match	\$120,000	\$236,000	\$354,000	\$472,000
FY25 Grant Request	\$480,000	\$354,000	\$236,000	\$118,000
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Hays County currently has a Public Defenders Office (PDO) in collaboration with the Neighborhood Defender Service to provide legal representation for indigent defendants. The County is seeking grant funding to establish a dedicated mental health team to address complex mental health needs of its clients and ensure individuals receive the care and resources to address underlying issues contributing to involvement in the legal system. The 4 FTE team, consisting of an attorney, a social worker, an investigator, and a paralegal, would focus on cases accepted into the Mental Health Specialty Courts as well as more complex cases in regular courts with clients that have severe mental illness.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Hays County Improvement Grant Application Narrative
Mental Health Team for the Hays County Public Defenders Office
Mental Health Public Defender Improvement

a. Application Form

Counties Represented: **Hays**

Fiscal Year: **2025**

State Payee Identification Number: **097494884**

Division To Administer Grant: **Hays County Judge's Office**

Program Title: **Mental Health Team for the Hays County Public Defenders Office**

Requested Grant Amount: **\$480,000.00**

Authorized Official: **Ruben Becerra**

Financial Officer: **Marisol Alonzo**

Program Director: **Stephen Michael Thomas**

Mailing Address: **101 Thermon Dr; San Marcos, TX 78666**

b. Introduction (Executive Summary)

In 2023, Hays County launched a Public Defenders Office in collaboration with the Neighborhood Defender Service to provide legal representation for indigent defendants. This approach brings together attorneys, social workers, and support staff and handles a caseload where half of the clients require mental health support. There is a need to establish a dedicated mental health team to address complex mental health needs within the PDO. Establishing this team will fill a gap, ensuring individuals receive holistic care and resources to address underlying issues contributing to involvement in the legal system.

c. Problem Statement

In 2023, Hays County launched a Public Defenders Office in collaboration with the Neighborhood Defenders Service with a clear mission: to provide legal representation for indigent defendants facing misdemeanor or felony charges. The unique approach, bringing together attorneys, social workers, and support staff, has proven effective in handling a caseload where half of the clients require mental health support. However, as the workload continues to grow and the program becomes more integral to the Hays County legal system, staff has gained deeper insights into the specific needs of the Hays County community.

With this understanding, there is an urgent need to establish a dedicated mental health team within the PDO. Currently, resources and contractual commitments do not provide funding for a such a team equipped with the specialized expertise necessary to comprehensively address the complex mental health needs of clients. The absence of this expert team leaves a gap in the ability of staff to offer tailored support, advocacy, and resources. Given the complexity and specialized nature of mental health cases, there often exists an unjust disparity in pretrial detention for these clients. Furthermore, if they are found incompetent, they face prolonged custody while awaiting placement for restoration. This issue persists not only in Hays County but also in other Texas counties. Efforts are underway to address this challenge, including the establishment of an in-jail/in-custody restoration process at the Hays County Jail.

While current clients with mental health needs receive skilled and compassionate legal counsel along with wraparound support, the potential benefits of a specialized mental health team are clear. Despite the talent and successes of our existing team, establishing a dedicated mental health team will further guarantee that individuals receive comprehensive care and resources, thereby elevating the effectiveness and fairness of our legal representation. Without coordinated legal and wraparound services, clients often face challenges accessing critical resources like counseling, case management, and social support, leaving them vulnerable to being misunderstood, underserved, and unfairly treated within the legal system. Moreover, both our team and our clients stand to gain from a broader network of connections with community organizations and service providers, enriching our capacity to offer comprehensive care and robust referral networks that extend essential support beyond the courtroom.

The team would focus on cases accepted into the Mental Health Specialty Courts as well as more complex cases in regular courts with clients that have severe mental illness. The benefit will be having a dedicated team that will be able to focus 100% of their efforts on cases with clients that are suffering from a mental illness. Because they will be a dedicated team, the team members won't rotate to alternate assignments within the courthouse and will be able to focus their expertise in mental health related cases. A natural result of this focus is the ability to build a better rapport with clients throughout the life of a case.

This focus will allow the team to develop the specialized expertise in areas such as mental health first aid, co-occurring disorders identified in the DSM-5 and the Code of Criminal Procedure chapter addressing competency.

A dedicated team can also better track the competency evaluation process, where a client is evaluated and determined competent or incompetent to stand trial. Due to shortages in available beds at county or state-run mental health facilities, individuals in the criminal justice system often experience extended wait times to transfer to a mental health facility for court-ordered restoration services. During this wait time, in-custody clients sometimes deteriorate further due to a lack of medication and/or access to psychiatric services. A specialized team can more effectively address issues that arise and advocate for the client on a more timely basis. To compound the issue, some clients' mental conditions can improve, which may go unnoticed if the client isn't visited and communicated with on a regular and timely basis. With the implementation of a dedicated defense team to monitor these clients, those with improved mental conditions can be re-evaluated for competency at the request of the defense team, sometimes removing the need for a prolonged in-custody wait time.

A dedicated team can develop channels within the jail and medical service provider systems to better address common issues that arise with cases involving a client with a severe mental illness. For in-custody clients, these important resources include obtaining and consistently accessing medication, accessing a psychiatrist for routine visits as well as mental health crises as well as access to our social worker and investigator.

Currently, the PDO has been assigned roughly 350 cases involving a client identified with a mental health condition (using the 16.22 evaluation as a metric). Over the course of a year, about 168 of those cases have been disposed. The disposition types include dismissal, plea to community supervision as well as confinement. Approximately 20 of those cases were individuals that were accepted into the mental health specialty court. Going forward, a dedicated team can ensure that the appropriate clients are being referred to the mental health court for consideration and those that are not candidates for the specialty court obtain focused advocacy to dispose of their case in the most appropriate way.

Establishing a specialized mental health team fills a gap, ensuring individuals receive specialized, holistic care and resources to address underlying issues contributing to their involvement in the legal system. By recognizing and addressing this need, Hays County can work towards creating a more equitable and effective system of support for individuals with mental health needs in our community. Hays County is dedicated to enhancing access to mental health services for its residents. Establishing a robust mental health defense team within the Public Defenders Office will ensure that the defense perspective is effectively represented and advocated for within both the courthouse and the community.

d. Objectives

Through the creation and implementation of the mental health focused team within the Public Defenders office, Hays County and NDS seek to accomplish an overall objective of providing more holistic legal representation and support to individuals with Serious Mental Illness or individuals who are experiencing acute mental health crisis.

Identified Objectives

- Neighborhood Defender Service (NDS) will hire the mental health team consisting of an attorney, a social worker, an investigator, and a paralegal within 3 months of the project start date.
- In the first year of the program, the mental health team will serve 150 felony or misdemeanor clients with a focus on individuals with Severe Mental Illness or those in immediate crisis.

e. Activities

START UP TASKS

Neighborhood Defenders Service will create detailed job descriptions for an attorney, social worker, investigator, and paralegal who will specialize in mental health cases. These will differ from existing positions as their sole focus will be to provide legal and social work support for clients with cases falling under Section 16.22 of the Texas Code of Criminal Procedure, which indicates an "early identification of Defendant Suspected of Having Mental Illness or Intellectual Disability".

ON-GOING TASKS

-Once hired, the mental health focused attorney will be a key public advocate for mental health awareness in the criminal justice system. The attorney will cultivate meaningful relationships with the mental health court and key providers, familiarize themselves with available treatment options appropriate to address specific mental health considerations, and establish connections with correctional personnel to ensure equitable treatment for clients with unique mental health needs. They will oversee the work of the social worker, investigator, and team administrator/paralegal to ensure efforts are coordinated, client-centered, and collaborative

-The mental health social worker will focus on building impactful partnerships and collaborations, expanding a network of support that extends far beyond the courtroom, empowering clients to address their mental health needs and work towards positive outcomes. The social worker serves as an ongoing resource for clients even after the court case is resolved, providing continued support and stability to the community.

-The investigator and team administrator play pivotal roles in the identification and acquisition of crucial evidence, conducting thorough research, drafting motions, negotiating plea agreements, and preparing other essential documentation vital to the case. Their contributions are instrumental in securing a fair and equitable resolution that takes into account mental health considerations unique to each client, ensuring a just outcome.

-Through holistic case management, the program will serve 150 unique individuals with mental health needs in one year. This will include representation, advocacy, connection to resources, and assistance in navigating the criminal justice system.

During the project period, the mental health team will have a focus on building connections with resources in the community to better serve clients such as community/advocacy groups and services.

f. Evaluation

Because this program will integrate into an existing Public Defenders Office, many of the evaluation metrics for the success of the team will be similar to metrics for the PDO as a whole. Metrics will be tracked each month. These will include:

1. The appointment rate for indigent defense representation for misdemeanor cases and felony cases for individuals with serious mental illness.
2. The number of hours and/or days from arrest to appointment of counsel for all indigent defense cases in Hays County (includes mean and median) for individuals with serious mental illness.
3. The frequency of establishing initial client contact within 24 hours of appointment.
4. The frequency of holding the initial client interview within 72 hours of appointment.
5. The number and percentage of clients who received pre-arrest and pre-arraignment representation.
6. The number and percentage of clients who received representation at magistration.
7. The pre-trial release rate at magistration, arraignment, and before trial.
8. The pre-trial release at magistration and arraignment for those clients who experience a mental or behavioral health issue.
9. The number and percentage of clients released on personal bond.
10. The number and percentage of clients released on a mental health bond.
11. The number and percentage of clients released on monetary bond and reduced bond amounts.
12. The rate of use for investigators and social work staff.
13. The rate of caseload compliance with TIDC's caseload guidelines.
14. The number of Padilla referrals.
15. The dismissal rate.
16. The number and percentage of clients referred to Mental Health Court.
17. The diversion and/or alternatives to incarcerations rate.
18. The plea rate, including changes in charges.
19. The trial rate, including outcomes such as acquittals.
20. The client return rate.
21. The number of trainings held during the year and the attorney participation rate.

Staff will track these metrics and store them in defenderData, the software used by the PDO. DefenderData is a purpose-built case management system, that facilitates effective and efficient collaboration on specific cases while also providing custom reports to identify programmatic insights. For the mental health team, the Paralegal will be the main staff member in charge of logging and tracking case information with collaboration from the attorney and the investigator when needed.

g. Future Funding

Hays County plans to reapply for funding over the four year eligible grant period with matching funds being built into the Public Defenders Office budget. Once the four year period is up, the county budget will absorb the entirety of the project.

h. Budget Narrative and Budget Form

PERSONNELFRINGE

Included within the personnel and fringe line items are costs for: 1 Staff Attorney, 1 Social Worker, 1 Investigator, and 1 Team Administrator/Paralegal.

Staff Attorneys (\$120,310.00 annual salary x 1.0 FTE) each carry a full caseload and provide the highest quality representation to each client. They will also build relationships with mental health court and key providers to ensure clients have access to appropriate courts and supportive services.

Social Workers (\$68,442.00 annual salary x 1.0 FTE) offer advocacy with external parties and general support after intake. They will be assigned to cases involving challenges related to severe and persistent mental illness, chemical dependence, and physical and cognitive disabilities. building impactful partnerships and collaborations, expanding the support network. The social worker serves as an ongoing resource for clients even after the court case is resolved, when necessary.

Investigator (\$58,605.00 annual salary x 1.0 FTE) will identify and acquire evidence, conduct interviews, organize expert consults, research case facts, and provide support for the attorney on a case by case basis.

Team Admin/Paralegal (\$58,605.00 annual salary x 1.0 FTE) will draft motions, negotiate plea agreements, arrange mitigation documentation, prepare case documents, handle administrative tasks, and communicate with clients to support the attorney in the course of a case.

OPERATIONAL COSTS:

TRAVEL AND TRAINING

Included in travel and training are costs for staff training and conferences. to ensure that all staff have current knowledge and expertise. External training and support will be sought out for staff attending CLE's and conferences as well as staff and client travel when necessary and related to a case in order to enhance the representation travel costs are sometimes incurred. These are approved on a case by case basis.

EQUIPMENT

This includes initial costs for computer equipment for new staff positions including laptops, monitors, keyboards, mice, speakers, and docking stations.

SUPPLIES

Includes:

Communication equipment: desk phones, cell phones, and internet for staff positions

Office supplies such as pens, paper, ink, envelopes, etc.

Case Management: Costs associated with defenderData, the case management system for client case tracking

Printing services

Postage

Memberships: Professional registration for staff, software, and other licenses and registrations. NDS supports the staff costs for required professional licenses such as attorney registration. Software licenses to enhance and enable effective representation is also required

Library/Subscriptions: Subscriptions and publications and membership dues. NDS supports the costs of subscriptions to publications that enhance the practice and also pays membership dues for staff who represent NDS at various associations

Occupancy: A proportional share of rent cost at our Hays County office.

CONTRACT SERVICES

Consultants: Audit, financial, banking fees, and other administrative support necessary to ensure the efficient operations of NDS.

Defense Services: Experts, printing, copying, transcripts, and other case related needs. Case related services are approved on a case by case basis by supervisors who determine the need within each case. Clients receive the services needed to provide excellent and thorough representation.

Indirect costs are to cover administrative overhead associated with carrying out and managing this project.

Personnel Costs		\$443,645.00
FTE's	4.00	
Salary	\$305,962.00	
Fringe Benefits	\$137,683.00	
Travel and Training		\$7,000.00
Equipment		\$10,000.00
Supplies		\$35,160.00
Contract Services		\$49,650.00
Indirect		\$54,545.00
Total		\$600,000.00
Required County Match		\$120,000.00
Total less County Match		\$480,000.00

Home

Matagorda County

FY 2025 Single-Year Grant Request

Implementation of Indigent Defense Software for Matagorda County

	Year 1
Total Program Cost	\$13,325
County Match	\$6,663
FY25 Grant Request	\$6,663
TIDC/County Share	50% / 50%

Program Summary

Matagorda County seeks a single year grant award to implement TechShare indigent defense software to make more efficient use of the Indigent Defense Coordinator's (IDC) time and avoid costly miscommunications and mistakes. The current process for the IDC to ensure that indigent defendants in the County are assigned court-appointed counsel involves emails, fax, and phone calls and is time consuming, causes delays, and miscommunications. The TechShare software will provide precise communication in timely manner between the IDC, the Defendant, the Court, District Clerk's Office, Attorney's and the Sheriff's Department when assigning a court-appointed attorney to an indigent defendant. This software will also aid in processing payments and determining eligibility of the defendants with live notifications.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

**2025 Matagorda County Improvement Grant Application Narrative
Implementation of Indigent Defense Software for Matagorda County
Single-year**

a. Application Form

Counties Represented: **Matagorda**

Fiscal Year: **2025**

State Payee Identification Number: **74-6000239**

Division To Administer Grant: **County Judge**

Program Title: **Implementation of Indigent Defense Software for Matagorda County**

Requested Grant Amount: **\$6,662.50**

Authorized Official: **Bobby Seiferman**

Financial Officer: **Kristen Elizabeth Kubecka**

Program Director: **Belle M Cortinas**

Mailing Address: **1700 7th St. RM 301; Bay City, TX 77414**

b. Introduction (Executive Summary)

Matagorda County is seeking funding to implement an Indigent Defense Software such as TechShare to be utilized in our County. Currently our Indigent Defense Coordinator (IDC) has been undergoing several steps when assigning a court-appointed counsel for indigent defendants. This process creates a prolonged timeline for each assignment and inadvertently creates a higher chance for miscommunication amongst the court, attorneys, defendant, and jail. By utilizing TechShare, it will provide "live" notifications to all the parties involved and keep record of communication. Cutting the assignment timeline by half and providing the indigent defendant a quicker court date with counsel in a timely manner.

c. Problem Statement

Currently our Indigent Defense Coordinator (IDC) is utilizing emails, fax and phone calls to assure that indigent defendants in Matagorda County are assigned a court-appointed counsel as soon as possible. The current process consists of the defendant filling out an indigent defense form, once qualified, the IDC has to find a court appointed attorney to assign to the case. Then the attorney must be notified and the IDC must wait for acceptance. Next, all parties must be informed of the assignment, by sending an email to the defendant whom is in jail, the District Clerk's Office, and Sheriff's Department. A response must be received from the Sheriff's Department through fax to verify that the defendant was notified of the assignment. This whole process is extremely time consuming and causes lengthy delays and miscommunication. With the requesting project, we will be able to cut this process in half by utilizing a software offered through TechShare, that will assist with providing communication amongst the parties mentioned above in a timely manner.

d. Objectives

The goal of this grant is to provide precise communication in timely manner between the Indigent Defense Coordinator, the Defendant, the Court, District Clerk's Office, Attorney's and the Sheriff's Department when assigning a court-appointed attorney to an indigent defendant. This software will also provide assistance with processing payments and providing indication of eligibility of the defendants with live notifications. The first objective will be to train all the parties involved with this new software, this could be done within 7 days. Second objective will be to input all of the parties information in the system, to gather the information and input it all could take a few weeks, (estimating 4-6 weeks). Lastly, put the software into effect, and utilize the technology within our County.

e. Activities

Our activities will consist of reaching out to TechShare, and requesting a demo of their software, scheduling a day to provide training of those who will be registered in the system within the County. Lastly, an implementation of a procedure will be adopted to manage this software in our County. Activities will be followed through as such; orientation of the program will be in (week 1), configuration of software to our county specifications will be implemented in (week 2), (week 4) will consist of reviewing configuration and completing the smoke test and lastly in (week 5) will be the training and completion.

f. Evaluation

Our Indigent Defense Coordinator will be the sole individual to manage this software in our County. She will attend an annual conference to stay informed of all the requirements and regulations pertaining to Indigent Defense cases. She will also provide a monthly report to measure the caseload of Indigent Defense cases in our County. The reports will include the defendants information, and case when assigned. Every case will be filed electronically through our District Clerk's Office. All reports will be kept within the records retention period.

g. Future Funding

For future funding, we will submit a budget request within our County Budget system to include additional funds to be allocated towards this project to cover annual, maintenance and subscriptions fees.

h. Budget Narrative and Budget Form

This grant will fund the TechShare software to be implemented by all parties involved with Indigent Defense Defendants. The time and material charges through Techshare is \$12,325.00. The travel charge is \$1,000.00, totaling \$13,325.00 for the entire project. The annual subscription fee for this software is \$2,560.00. Matching funds/subscription and maintenance costs will be covered with County local funds. If given the opportunity and eligibility; the County will reapply for grant funding for future associated costs with the program.

Personnel Costs		\$0.00
FTE's	0.00	
Salary	\$0.00	
Fringe Benefits	\$0.00	
Travel and Training		\$1,000.00
Equipment		\$0.00
Supplies		\$0.00
Contract Services		\$12,325.00
Indirect		\$0.00
Total		\$13,325.00
Required County Match		\$6,662.50
Total less County Match		\$6,662.50

Home



DENISE M. FORTENBERRY
130th Judicial District Judge

Becky Corenfield
Court Coordinator

Kaye Rollins
Court Reporter

April 18, 2024

Re: Letter of Support for Indigent Defense Improvement Grant.

Grant Committee:

I am writing to express my overwhelming support for the request that has been submitted regarding the Indigent Defense Improvement Grant. I truly believe that indigent defense is important in our criminal defense system. A lot of times Defendants believe they are at a disadvantage in their cases. Our court system works hard to ensure that all Defendants get the same information and access to justice, no matter how much money they have. However, our County is a behind in technological advancements.

Our appointed attorneys carry a large caseload and have to stay on top of their assignments by emailed copies of their appointment orders. Emails can sometimes get lost or inadvertently deleted. TechShare will assist the appointed counsel with tracking these appointments. It connects the attorney to the cases immediately and allows them to see all their appointments in one place. This feature would protect cases from 'falling through the cracks.'

The Indigent Defense Coordinator will save time with this program by cutting out the various steps she has to follow when assigning counsel. The paper and pen method involves a printed spreadsheet assignment list with a checklist stamp on the actual order to help her track who received notice of the appointment, when it was received and how it was sent. Our current system has too many areas in which errors can occur. With this grant, our County would be able to bring our appointment process into the digital world. I appreciate your consideration in this important area of our court system.

Respectfully yours,

A handwritten signature in blue ink that reads "Denise M. Fortenberry". The signature is fluid and cursive, with a long horizontal stroke at the end.

Denise M. Fortenberry
130th District Judge

Stephanie Wurtz



COUNTY CLERK MATAGORDA COUNTY
1700 SEVENTH STREET RM 202
BAY CITY, TEXAS 77414
(979) 244-7680
Fax (979) 244-7688

Re: Letter of Support for Indigent Defense Improvement Grant

To Whom It May Concern:

I am writing in support of Matagorda County's request for the Indigent Defense Improvement Grant. Support for those individuals who qualify as indigent is truly of the utmost importance. While these individuals may often feel that they are at a disadvantage, I believe our court system has always worked hard to ensure that all Defendants get the same treatment and access to justice, regardless of their circumstances.

The County's access to the necessary technology needed, however, is lacking. Current court technology is antiquated and puts attorneys, Defendants and court personnel at a complete disadvantage. TechShare can assist all parties with tracking cases, connecting attorneys and Defendants and ensure that justice is provided. It will also assist the Indigent Defense Coordinator when assigning counsel.

We cannot afford to keep taking unnecessary chances with our current system; it is simply way too flawed. With this grant, our County would be able to bring our entire justice process into the digital world. I appreciate your consideration in this important area of our court system.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie Wurtz".

Stephanie Wurtz
Matagorda County Clerk

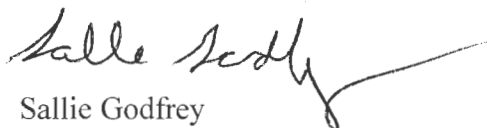
April 18, 2024

Texas Indigent Defense Commission

Re: Implementation of Indigent Defense Software for Matagorda County

I would like to support the request of the Matagorda Indigent Defense Office for a grant to purchase software through TechShare to assist with payment processing and eligibility determinations.

Thank you,



Sallie Godfrey
Attorney at Law
State Bar No. 24032231
PO Box 969 Alvin, TX 77512
4121 CR 424 Alvin, TX 77511
(281) 802-1743 phone
(800) 215-6082 facsimile
Sgod76@gmail.com

SG:lat



MATAGORDA COUNTY INDIGENT DEFENSE COORDINATOR

130TH & 23RD JUDICIAL DISTRICT COURTS

BELLE CORTINAS

1700 7TH ST. RM 318

BAY CITY, TEXAS 77414

TELEPHONE 979-244-7641

April 18, 2024

To whom it may concern:

I would like to introduce myself, my name is Belle Cortinas and I have been the Indigent Defense Coordinator in Matagorda County for three years now. I first learned about TechShare at a conference I attended last year. Matagorda County seems to be a little behind on new technology. I would love to bring TechShare to our county to give myself, attorneys and defendants an easier way to access data. I believe this software can be an answer to struggles with communication, updating cases and dockets. This will not only benefit myself but local Magistrate Judges and law enforcement. Together with TechShare we can move our county forward and help solve current barriers with representation that have caused a delay with moving cases through to disposition.

Best regards,

Belle Cortinas

Belle Cortinas



STEVEN E. REIS
District Attorney
23rd Judicial District
Matagorda County

1700 7th Street, Suite 325
Bay City, Texas 77414
979-244-7657 (Ph) • 979-245-9409 (Fax)

Steven Reis
sreis@co.matagorda.tx.us

April 18, 2024

Crystal Morones
Matagorda County Auditor's Office

RE: Grant Request for Indigent Defense Improvement funds

Crystal:

It is my understanding that Matagorda County is seeking grant approval for funds to purchase software by TechShare intended to assist in processing payments and providing eligibility indications to improve the process of appointing defense counsel for indigent defendants.

I am strongly in favor of anything which would improve and enhance the Indigent Defense appointment system for our county. If, as anticipated, this software would provide efficiencies in the system, then please note my encouragement and support in any grant application for this purpose.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Reis", written over a horizontal line.

Steven Reis
District Attorney

xc: District Judge Denise Fortenberry

Software as a Service Addendum

This Software as a Service (“SaaS”) Addendum (this “Addendum”) is made and entered into by and between TechShare, LGC, a Texas Local Government Corporation (“TECHSHARE”), and Matagorda County (the “Subscriber”) pursuant and subject to the Master Interlocal Agreement for SaaS Participation in TechShare and the Master Interlocal Agreement for Stakeholder Participation in TechShare (for Stakeholders in one or more TechShare Resources).

DEFINITIONS

- 1.1. Addendum means this Software as a Service Addendum, including all exhibits attached hereto and to be attached throughout the Term of this Addendum, all of which are incorporated by reference herein.
- 1.2. Business Day means any day, Monday through Friday, excluding any TECHSHARE holiday.
- 1.3. Business Hour means 7:00 a.m. to 7:00 p.m., Central Time during Business Days.
- 1.4. Claims mean any and all claims, liens, demands, damages, liability, actions, causes of action, losses, judgments, costs, and expenses, including reasonable attorneys’ fees and expenses.
- 1.5. Confidential and Proprietary Information means all information in any form relating to, used in, or arising out of a Party's operations and held by, owned, licensed, or otherwise possessed by such Party (the "Owner") (whether held by, owned, licensed, possessed, or otherwise existing in, on or about the Owner's premises or the other Party's premises and regardless of how such information came into being, as well as regardless of who created, generated or gathered the information), including, without limitation, all information contained in, embodied in (in any media whatsoever) or relating to the Owner's inventions, ideas, creations, works of authorship, business documents, licenses, correspondence, operations, manuals, performance manuals, operating data, projections, bulletins, customer lists and data, sales data, cost data, profit data, financial statements, strategic planning data, financial planning data, designs, logos, proposed trademarks or service marks, test results, product or service literature, product or service concepts, process data, specification data, know how, software, databases, database layouts, design documents, release notes, algorithms, source code, screen shots, and other research and development information and data. Notwithstanding the foregoing, Confidential and Proprietary Information does not include information that: (a) becomes public other than as a result of a disclosure by the other Party in breach hereof; (b) becomes available to the other Party on a non-confidential basis from a source other than the Owner, which is not prohibited from disclosing such information by obligation to the Owner; (c) is known by the other Party prior to its receipt from the Owner without any obligation of confidentiality with respect thereto; or (d) is developed by the other Party independently of any disclosures made by the Owner.
- 1.6. Current Software Version means the current production version of TECHSHARE’s software listed on Attachment A.
- 1.7. Defect means any bug, error, contaminate, malfunction, or other defect in the Licensed Software caused by, arising from, or emanating from the reasonable control of TECHSHARE that renders the Licensed Software in non-conformance with TECHSHARE’s then current published specifications.
- 1.8. Documentation means the operating manuals and any other materials in any form or media provided by TECHSHARE to the users of the Licensed Software.
- 1.9. Embedded Third-Party Software means licensed third-party software that is required to provide the functionality of the Licensed Software and which is embedded in the Licensed Software, which as of the

date of this Addendum, consists of the software set forth on Attachment A labeled as “Embedded Third-Party Software”.

- 1.10. Indemnified Party means Subscriber and each of its officers, employees, agents, successors, and permitted assigns.
- 1.11. Licensed Property means the Licensed Software and the Documentation.
- 1.12. Licensed Software means: (a) the Current Software Version; (b) Embedded Third-Party Software; and (c) any Local Enhancements.
- 1.13. Local Enhancements means any refinement, enhancement, or other customization to the Current Software Version to be developed by TECHSHARE per Attachment B.
- 1.14. Party means, individually, TECHSHARE and Subscriber.
- 1.15. Project means the delivery of the Licensed Property and the performance of all services to be provided by TECHSHARE in accordance with the provisions of this Addendum.
- 1.16. Project Manager means the person designated by each Party who is responsible for the management of the Project.
- 1.17. SaaS Fee means the “Initial Annual SaaS Fee” as set forth on the Attachment A, and thereafter SaaS Fees set in accordance with the periodic budgets approved by the applicable Stakeholder Committee. SaaS Fees are due and payable as set forth in Section 3.
- 1.18. Service Level Terms and Conditions means the terms and conditions for TECHSHARE’s maintenance and support of the Licensed Software, which can be found at:

<https://techshare.atlassian.net/wiki/spaces/TID/pages/907673837/TechShare+Indigent+Defense+Production+Support+Plan>
- 1.19. Users means individuals who are authorized by Subscriber to use the Licensed Property, and who have been supplied with user identifications and passwords by Subscriber (or by TECHSHARE at Subscriber’s request).

2. LICENSE AND TITLE

- 2.1. License Grant. In consideration for the SaaS Fee, which shall be due and payable as set forth in Section 3, TECHSHARE hereby grants to Subscriber a limited, non-exclusive, revocable and non-transferable license (and sublicense with respect to the Embedded Third-Party Software) to use the version of the Licensed Property hosted by TECHSHARE, including necessary access to the hosting environment, for Subscriber’s internal administration, operation, and/or conduct of Subscriber’s business operations.

TECHSHARE HAS THE RIGHT TO REVOKE THIS LICENSE IF SUBSCRIBER TERMINATES, CANCELS OR FAILS TO RENEW THIS ADDENDUM. TECHSHARE HAS THE RIGHT TO UNILATERALLY REVOKE THIS LICENSE AND DENY SUBSCRIBER ACCESS TO THE LICENSED PROPERTY IF SUBSCRIBER FAILS TO REMIT ANY REQUIRED FEES WITHIN THIRTY DAYS OF THE DATE SUCH FEES BECOME DUE AS SET FORTH HEREIN AND SUCH AMOUNTS REMAIN OUTSTANDING FOR A PERIOD OF THIRTY DAYS FOLLOWING TECHSHARE’S WRITTEN NOTICE OF ITS INTENT TO REVOKE THE LICENSE.

- 2.2. Embedded Third-Party Software. The license grant set forth in Section 2.1 includes the right to use any Embedded Third-Party Software; provided, however, that such access to and use of such Embedded Third-Party Software shall be according to such terms, conditions, and licenses as are imposed by the manufacturers and/or third-party licensors of such Embedded Third-Party Software. All such Embedded

Third-Party Software is covered by the SaaS Fee. TECHSHARE shall pass through to Subscriber any and all warranties granted to TECHSHARE by the owners, licensors, and/or distributors of such Embedded Third-Party Software.

2.3. Title.

- (a) TechShare claims no title to the Current Software Version. TechShare will make available the source code for the Current Software Version to Subscriber upon request.
- (b) All training materials shall be the sole property of TECHSHARE.
- (c) All Subscriber data shall remain the property of Subscriber. TECHSHARE shall not use Subscriber data other than in connection with providing the services pursuant to this Addendum.

3. FEES AND INVOICING

- 3.1. SaaS Fee. The SaaS Fee is based on population. For this calculation, decennial census figures or annual census estimates as published by the Texas Demographic Center, whichever is most recent as of March 1 immediately preceding the start of the budget period, will be used.
- 3.2. Invoice and Payment for Professional Services. If applicable, TECHSHARE shall invoice Subscriber for professional services and associated expenses before rendering professional services. Following receipt of a properly submitted invoice, Subscriber shall pay TECHSHARE within thirty (30) days. Upon completion of professional services, the remaining balance of amounts paid by Subscriber, if any, shall be returned to Subscriber upon certification from TECHSHARE's Controller that the Project is closed.
- 3.3. Invoice and Payment of Annual SaaS Fees. SaaS Fees, shall be invoiced at the start of training for the initial SaaS Fee and on or about November 1 each year thereafter, and shall be paid by Subscriber within thirty (30) days of receipt of the invoice. Each invoice shall include, at a minimum, the total invoiced amount and a reference to the specific items being invoiced under this Addendum.
- 3.4. Payment for goods and services under this contract shall comply with Chapter 2251 of the Texas Government Code, the Texas Prompt Payment Act. Any undisputed sum not paid when due shall bear interest at the rate of eighteen percent (18%) annually, or the maximum amount allowed by law, whichever is lower. Interest begins to accrue on the thirty first (31st) day after the undisputed amount is due. Interest on an overdue payment stops accruing on the date TECHSHARE receives payment.

4. PROJECT IMPLEMENTATION

- 4.1. Professional Services. If applicable, Attachment B includes TECHSHARE's good faith estimate of the hours and fees associated with the services to be performed by TECHSHARE for Subscriber, including travel time by TECHSHARE's personnel from TECHSHARE's place of business to and from Subscriber's place of business, and for which Subscriber shall pay on a time and materials basis. Additional services requested by Subscriber which are beyond those hours detailed in Attachment B will be billed at TECHSHARE's then current services rates.
- 4.2. Office Space. Subscriber shall, at its sole expense, provide reasonable access to office space, telephone access, network access (including providing TECHSHARE reasonable access to a secure virtual private network connection or other comparable connection for use by TECHSHARE from time to time on a non-dedicated basis), Internet connections, and such other facilities as may be reasonably requested by TECHSHARE for use by TECHSHARE personnel for the purpose of performing this Addendum.
- 4.3. Subscriber's Hardware and Other Software. Subscriber shall be responsible to acquire, install, and configure all workstations and other hardware, as well as the operating systems and other software, that will be used by Subscriber to operate the Licensed Software now or in the future. TECHSHARE shall have no liability for defects in such hardware and software.

- 4.4. Cooperation. Subscriber acknowledges that the implementation of the Project is a cooperative process requiring the time and resources of Subscriber personnel. Subscriber shall, and shall cause its personnel to, use all reasonable efforts to cooperate with and assist TECHSHARE as may be reasonably required to timely implement the Project, including, without limitation, providing reasonable information regarding its operations and reasonable access to its facilities. TECHSHARE shall not be liable for failure to timely implement the Project when such failure is due to Force Majeure (as identified in Section 17.14) or to the failure by Subscriber personnel to provide such cooperation and assistance (either through action or omission).

5. INSTALLATION OF THE LICENSED SOFTWARE

TECHSHARE shall use commercially reasonable efforts to promptly provision and configure a hosted instance of the software for the Subscriber in the CJIS-Compliant environment provided by TECHSHARE and, as specified in Attachment B and in accordance with a mutually agreed upon timetable. Upon completion of the configuration of the hosted instance, TECHSHARE shall conduct its standard diagnostic evaluation to determine that the Licensed Software is properly functioning, and upon completion, shall deliver written instructions for accessing the Licensed Software to Subscriber.

6. VERIFICATION OF THE LICENSED SOFTWARE

- 6.1. Verification Procedure. Upon provisioning of the Licensed Software, TECHSHARE shall perform its standard test procedures and shall certify to Subscriber that the Licensed Software is in substantial conformance with TECHSHARE's then current published specifications and is ready for Subscriber's use. In the event TECHSHARE cannot so certify, TECHSHARE's sole obligation shall be to correct the cause thereof, which shall be Subscriber's sole right and remedy against TECHSHARE.
- 6.2. Certification Final. TECHSHARE's certification that the Licensed Software substantially complies with the then-current published specifications shall be final and conclusive, except for latent defects, fraud, and such gross mistakes that amount to fraud. If Subscriber disputes the certification for any reason, it shall notify TECHSHARE in writing within fifteen (15) business days of receipt of the certification from TECHSHARE.
- 6.3. Use. Notwithstanding anything to the contrary herein, Subscriber's use of the Licensed Software for its intended purpose shall constitute Subscriber's verification of the provision of the Licensed Software for purposes of the SaaS Fees.

7. TRAINING

To the extent that training services are included in Attachment B, TECHSHARE shall train Subscriber in accordance with a mutually agreeable training plan. The training plan shall outline the training required for personnel to operate the Licensed Software. TECHSHARE shall provide Subscriber personnel with only the number of hours of training for the respective portions of the Licensed Software as set forth in Attachment B. Training shall be provided at Subscriber's principal place of business or other site selected by Subscriber. Training shall be performed according to the training plan, but in any event shall be "hands-on" using production-ready versions of the Licensed Software. The courses shall train Subscriber's employees or agents in a manner to provide basic end user training. Subscriber shall be responsible for providing an adequately equipped training facility to operate the Licensed Software.

8. MAINTENANCE AND SUPPORT SERVICES

- 8.1. Service Level Terms and Conditions. Upon TECHSHARE's certification of the Licensed Software or Subscriber's use, whichever occurs first, TECHSHARE shall provide Subscriber with the maintenance and support services for the Licensed Software as set forth in Section 1.18, above. TECHSHARE may modify the Service Level Terms and Conditions but shall provide notice to Subscriber of any modification at least 90 days prior to the effective date of the modification.

- 8.2. Responsibilities of Subscriber. In addition to the other responsibilities set forth herein, Subscriber shall: (a) provide all training of its personnel, other than training to be provided by TECHSHARE as specified in Attachment B; (b) collect, prepare, and enter all data necessary for the day-to-day operations of the Licensed Software; (c) retain separate copies of all conversion data delivered to TECHSHARE; (d) provide end user workstations that conform to TECHSHARE's minimum requirements; and (e) provide the requisite networks.

9. CONFIDENTIAL AND PROPRIETARY INFORMATION

- 9.1. Protection of Confidential and Proprietary Information. Each Party shall not disclose, disseminate, transmit, publish, distribute, make available, or otherwise convey the other Party's Confidential and Proprietary Information, and each Party shall not use, make, sell, or otherwise exploit any such other Party's Confidential and Proprietary Information for any purpose other than the performance of this Addendum, without the other Party's written consent, except: (a) as may be required by law, regulation, judicial, or administrative process; or (b) as required in litigation pertaining to this Addendum, provided that the other Party is given advance notice of such intended disclosure in order to permit it the opportunity to seek a protective order. The Parties shall ensure that all individuals assigned to perform services herein shall abide by the terms of this Section 9.1 and a Party shall be responsible for breaches by such persons acting by or for such Party.
- 9.2. Protection of Data of Other Users. If Licensed Software includes the ability to access data of other entities also using the Licensed Software, Subscriber agrees that such data remains the property of such other entities. Information or other data of another entity shall not be disclosed, sold, assigned, leased or otherwise provided to third parties, or commercially exploited by or on behalf of Subscriber, its employees, officers, agents, subcontractors, or assigns in any respect. In the event Subscriber receives a request for information or other data belonging to another entity, Subscriber must promptly notify the requestor that the Subscriber is not the custodian of the requested information or data.
- 9.3. Judicial and Administrative Proceedings. If a Party is requested or required (by oral questions, interrogatories, requests for information or documents in legal proceedings, subpoena, civil investigative demand, requirements of any applicable open government statute, or other similar process) to disclose any Confidential and Proprietary Information of the other Party or of another entity as described in section 9.2. (the "Owner"), such Party shall provide the Owner with prompt written notice of such request or requirement so that the Owner may seek protective orders or other appropriate remedies and/or waive compliance with the provisions of this Addendum. If, in the absence of a protective order or other remedy or the receipt of a waiver by the Owner, the Party nonetheless is legally compelled to disclose the Owner's Confidential and Proprietary Information or else would stand liable for contempt or suffer other censure or penalty, the Party may, without liability herein, disclose only that portion of the Owner's Confidential and Proprietary Information required to be disclosed, provided that the Party uses reasonable efforts to preserve the confidentiality of the Owner's Confidential and Proprietary Information, including, without limitation, by cooperating with the Owner to obtain an appropriate protective order or other administrative relief.
- 9.4. TECHSHARE has executed, and will comply with, the Criminal Justice Information Services Security Addendum, Attachment C.

10. REPRESENTATIONS AND WARRANTIES

- 10.1. Project Personnel. All TECHSHARE personnel utilized in connection with fulfilling its obligations pursuant to or arising from this Addendum shall be employees of TECHSHARE or, if applicable, TECHSHARE's subcontractor(s), shall be qualified to perform the tasks assigned them, and shall be in compliance with all applicable laws relating to employees generally, including, without limitation, immigration laws.
- 10.2. Pass-Through of Warranties. TECHSHARE hereby passes through the benefits of all third-party warranties that it receives in connection with any product provided to Subscriber.

- 10.3. No Actions, Suits, or Proceedings. There are no actions, suits, or proceedings pending or, to the knowledge of TECHSHARE, threatened, that shall have a material adverse effect on TECHSHARE's ability to fulfill its obligations pursuant to or arising from this Addendum.
- 10.4. Compliance with Laws. In performing this Addendum, TECHSHARE shall also comply in all material respects with applicable federal, state, and local statutes, laws, ordinances, rules, and regulations.

EXCEPT AS SPECIFICALLY SET FORTH IN THIS SECTION 10 OR ELSEWHERE IN THIS ADDENDUM, TECHSHARE DISCLAIMS ALL OTHER WARRANTIES, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

11. LIMITATION OF LIABILITY

TECHSHARE'S LIABILITY TO SUBSCRIBER FOR DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS ADDENDUM, REGARDLESS OF LEGAL THEORY SUCH AS BREACH OF CONTRACT OR TORT, INCLUDING NEGLIGENCE AND STRICT LIABILITY, SHALL BE LIMITED TO: (A) PRIOR TO TECHSHARE'S CERTIFICATION OF THE LICENSED SOFTWARE AND SUBSCRIBER'S USE THEREOF, THE SaaS FEES PAID BY SUBSCRIBER, IF ANY; AND (B) AFTER TECHSHARE'S CERTIFICATION OF THE LICENSED SOFTWARE AND SUBSCRIBER'S USE THEREOF, FIXING DEFECTS IN ACCORDANCE WITH SERVICE LEVEL TERMS AND CONDITIONS. THE FOREGOING LIMITATIONS DO NOT APPLY TO THE FOLLOWING CIRCUMSTANCES: (1) FRAUD; OR (2) BREACH OF SECTION 12.1 (CLAIMS FOR BODILY INJURY OR PROPERTY DAMAGE) OR SECTION 12.2 (INTELLECTUAL PROPERTY INFRINGEMENT).

IN NO EVENT SHALL TECHSHARE BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR SPECIAL DAMAGES OF ANY KIND, INCLUDING, WITHOUT LIMITATION, LOST REVENUES OR PROFITS, LOSS OF BUSINESS, OR LOSS OR CORRUPTION OF DATA ARISING OUT OF THIS ADDENDUM, IRRESPECTIVE OF WHETHER THE PARTIES HAVE ADVANCE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

12. INDEMNIFICATION

12.1. General – Bodily Injury and Property Damage. Notwithstanding any other provision of this Addendum, TECHSHARE shall defend, indemnify, hold, and save harmless the Indemnified Parties from and against any and all Claims for bodily injury or property damage sustained by or asserted against Subscriber arising out of, resulting from, or attributable to the negligent or willful misconduct of TECHSHARE, its employees, subcontractors, representatives, and agents; provided, however, that TECHSHARE shall not be liable herein to indemnify Subscriber against liability for damages arising out of bodily injury to people or damage to property to the extent that such bodily injury or property damage is caused by or resulting from the actions or omissions, negligent or otherwise, of Subscriber, its agents, contractors, subcontractors, or employees.

12.2. Intellectual Property Infringement.

- (a) Notwithstanding any other provision of this Addendum, if any claim is asserted, or action or proceeding brought against an Indemnified Party that alleges that all or any part of the Licensed Property, in the form supplied, or modified by TECHSHARE, or an Indemnified Party's use thereof, infringes or misappropriates any United States intellectual property, intangible asset, or other proprietary right, title, or interest (including, without limitation, any copyright or patent or any trade secret right, title, or interest), or violates any other contract, license, grant, or other proprietary right of any third party, the Indemnified Party, upon its awareness, shall give TECHSHARE prompt written notice thereof. TECHSHARE shall defend, and hold Indemnified Party harmless against, any such claim or action with counsel of TECHSHARE's choice and at TECHSHARE's expense and shall indemnify Indemnified Party against any liability, damages, and costs resulting from such claim. Without waiving any rights pursuant to sovereign immunity, Indemnified Party shall cooperate with and may monitor TECHSHARE in the defense of any claim, action, or proceeding and shall, if

appropriate, make employees available as TECHSHARE may reasonably request with regard to such defense. This indemnity does not apply to the extent that such a claim is attributable to modifications to the Licensed Property made by the Indemnified Party, or any third party pursuant to Indemnified Party's directions, or upon the unauthorized use of the Licensed Property by the Indemnified Party.

- (b) If the Licensed Property becomes the subject of a claim of infringement or misappropriation of a copyright, patent, or trade secret or the violation of any other contractual or proprietary right of any third party, TECHSHARE shall, at its sole cost and expense, select and provide one of the following remedies, which selection shall be in TECHSHARE's sole discretion: (i) promptly replace the Licensed Property with a compatible, functionally equivalent, non-infringing system; or (ii) promptly modify the Licensed Property to make it non-infringing; or (iii) promptly procure the right of Subscriber to use the Licensed Property as intended.

13. TAXES

- 13.1. Tax Exempt Status. Subscriber represents and warrants that it is a governmental tax-exempt entity and shall not be responsible for any taxes for any Licensed Property or services provided for herein, whether federal or state. The fees paid to TECHSHARE pursuant to this Addendum are inclusive of any applicable sales, use, personal property, or other taxes attributable to periods on or after the Effective Date of this Addendum.
- 13.2. Employee Tax Obligations. Each Party accepts full and exclusive liability for the payment of any and all contributions or taxes for Social Security, workers' compensation insurance, unemployment insurance, or retirement benefits, pensions, or annuities now or hereafter imposed pursuant to or arising from any state or federal laws which are measured by the wages, salaries, or other remuneration paid to persons employed by such Party for work performed under this Addendum.

14. INSURANCE

TECHSHARE shall provide, upon the written request of Subscriber (which shall not be less than thirty (30) days after the Effective Date), proof of insurance for and maintain, at TECHSHARE's sole cost and expense, the following insurance coverage: (a) workers' compensation insurance covering employee claims based upon job-related sickness, injury, or accident during performance of this Addendum; and (b) comprehensive general liability (including, without limitation, bodily injury and property damage) insurance with respect to TECHSHARE's agents and vehicles assigned to perform the services herein with policy limits of not less than \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate.

15. TERM, SUSPENSION, AND TERMINATION

- 15.1. Term. The term of this Addendum (the "Term") shall commence on the date specified in Attachment A. The term of this Addendum, and the corresponding payment of annual SaaS Fees, shall continue unless Subscriber terminates this Addendum as permitted herein. The annual SaaS fee may not increase unless TECHSHARE has given Subscriber written notice of the increase at least 90 days before the effective date of the increase.
- 15.2. Termination by Subscriber. This Addendum may be terminated by Subscriber by providing TECHSHARE with (a) ninety (90) days written notice of its intent to terminate, and (b) payment of any fees still due.
- 15.3. Termination for Cause. Either Party may terminate this Addendum for Cause, provided that such Party follows the procedures set forth in this Section 15.3.
 - (a) For purposes of this Section, "Cause" means either:
 - (i) a material breach of this Addendum, which has not been cured within ninety (90) days of the date the breaching Party receives written notice of such breach;

- (ii) the failure by Subscriber to timely pay when due any fees and expenses owed to TECHSHARE pursuant to this Addendum and any delinquent amounts remain outstanding for a period of thirty (30) days after TECHSHARE provides written notice of its intent to terminate for failure to pay;
- (iii) breach of Section 9; or
- (iv) if TECHSHARE becomes insolvent or bankrupt, or institutes or causes to be instituted any proceedings in bankruptcy or relating to its liquidation or insolvency or for the appointment of a receiver or similar officer for it, has a receiver of its assets or property appointed or makes an assignment for the benefit of all or substantially all of its creditors; except, however, any involuntary petition for bankruptcy filed by a third party does not constitute cause under this subsection if dismissed within 10 business days.

(b) No Party may terminate this Addendum under Section 15.3(a)(i) unless it cooperates in good faith with the alleged breaching Party during the cure period and complies in good faith with the dispute resolution procedures set forth in Section 16 following such period.

(c) Upon any termination for Cause by Subscriber, TECHSHARE shall refund any prepaid SaaS Fees. Upon any termination for Cause by TECHSHARE, Subscriber shall pay TECHSHARE any unpaid SaaS Fees and unpaid fees for professional services under Attachment B. In no event shall any termination relieve Subscriber of the obligation to pay any fees payable to TECHSHARE for the period prior to the effective date of termination.

15.4. **Effect of Termination.** Upon termination of this Addendum for any reason: (a) the licenses provided hereunder shall automatically terminate as of the effective date of the termination and Subscriber's access to the Licensed Software shall be denied; (b) subject to payment of all amounts due hereunder, and upon written request, TECHSHARE will provide to Subscriber such contents of the database that are owned by Subscriber, as such contents exist on the date of termination, in a standard industry data file format within five business days; and (c) upon written request, Subscriber shall return all documentation, products, TECHSHARE Confidential and Proprietary Information, and other information disclosed or otherwise delivered to Subscriber by TECHSHARE.

15.5. **Survival.** The following provisions shall survive after the Term of this Addendum: 1; 2; 9; 11; 12; 13; 15; 16; and 17.

16. DISPUTE RESOLUTION

Disputes arising out of, or relating to, this Addendum shall first be discussed by the Project Managers. Any dispute that cannot be resolved within five (5) Business Days at the Project Manager level (or such other date as agreed upon by the Project Managers) shall be referred to the individual reasonably designated by Subscriber and TECHSHARE's Executive Director assigned to Subscriber's account ("Intermediary Dispute Level"). Any dispute that cannot be resolved in ten (10) Business Days at the Intermediary Dispute Level shall then be referred to Subscriber's chief executive officer or other individual reasonably designated by Subscriber and TECHSHARE's Executive Director ("Executive Dispute Level"), at such time and location reasonably designated by the Parties. Any negotiations pursuant to this Section 16 are confidential and shall be treated as compromise and settlement negotiations for purposes of the applicable rules of evidence. For any dispute that the Parties are unable to resolve through informal discussions or negotiations or pursuant to the dispute resolution and escalation procedures set forth in this Addendum, the Parties shall submit the matter to nonbinding mediation before the commencement of any proceeding in a court. The foregoing shall not apply to claims for equitable relief under Section 9.

17. MISCELLANEOUS

17.1. **Assignment.** Neither Party may assign this Addendum or any of its respective rights or obligations herein to any third party without the express written consent of the other Party, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, TECHSHARE may assign its rights and

obligations herein to any successor entity acquiring the right to make available the Licensed Property on behalf of the legal owners of such Licensed Property.

- 17.2. Cumulative Remedies. Except as specifically provided herein, no remedy made available herein is intended to be exclusive of any other remedy, and each and every remedy shall be cumulative and shall be in addition to every other remedy provided herein or available at law or in equity.
- 17.3. Notices. Except as otherwise expressly specified herein, all notices, requests or other communications shall be in writing and shall be deemed to have been given if delivered personally or mailed, by certified or registered mail, postage prepaid, return receipt requested, to the Parties at their respective addresses set forth on the signature page hereto, or at such other addresses as may be specified in writing by either of the Parties. All notices, requests, or communications shall be deemed effective upon personal delivery or three (3) days following deposit in the mail.
- 17.4. Counterparts. This Addendum may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
- 17.5. Waiver. The performance of any obligation required of a Party herein may be waived only by a written waiver signed by the other Party, which waiver shall be effective only with respect to the specific obligation described therein.
- 17.6. Entire Addendum. This Addendum (inclusive of Attachments) constitutes the entire understanding and contract between the Parties and supersedes any and all prior or contemporaneous oral or written representations or communications with respect to the subject matter hereof.
- 17.7. Amendment. This Addendum shall not be modified, amended, or in any way altered except by an instrument in writing signed by the properly delegated authority of each Party. All amendments or modifications of this Addendum shall be binding upon the Parties despite any lack of additional consideration.
- 17.8. Severability of Provisions. In the event any provision hereof is found invalid or unenforceable pursuant to judicial decree, the remainder of this Addendum shall remain valid and enforceable according to its terms.
- 17.9. Relationship of Parties. The Parties intend that the relationship between the Parties created pursuant to or arising from this Addendum is that of an independent contractor only. Neither Party shall be considered an agent, representative, or employee of the other Party for any purpose.
- 17.10. Governing Law. Any dispute arising out of or relating to this Addendum or the breach thereof shall be governed by the laws of the state of the domicile of Subscriber, without regard to or application of choice of law rules or principles.
- 17.11. Audit. TECHSHARE shall maintain complete and accurate records of all work performed pursuant to and arising out of this Addendum. Subscriber may, upon the written request of the Project Manager, audit any and all work or expense records of TECHSHARE relating to professional services provided herein. Subscriber shall provide TECHSHARE not less than twenty-four (24) hour notice of such audit or inspection. TECHSHARE shall have the right to exclude from such inspection any TECHSHARE Confidential and Proprietary Information not otherwise required to be provided to Subscriber as a part of this Addendum. TECHSHARE shall make such books and records available to Subscriber during normal business hours. Any such audit shall be conducted at TECHSHARE's principal place of business during TECHSHARE's normal business hours and at Subscriber's sole expense.
- 17.12. No Third-Party Beneficiaries. Nothing in this Addendum is intended to benefit, create any rights in, or otherwise vest any rights upon any third party.

- 17.13. Contra Proferentem. The doctrine of *contra proferentem* shall not apply to this Addendum. If an ambiguity exists in this Addendum, or in a specific provision, neither the Addendum nor the provision shall be construed against the Party who drafted the Addendum or provision.
- 17.14. Force Majeure. No Party to this Addendum shall be liable for delay or failure in the performance of its contractual obligations arising from any one or more events that are beyond its reasonable control, including, without limitation, acts of God, war, terrorism, and riot. Upon such delay or failure affecting one Party, that Party shall notify the other Party and use all reasonable efforts to cure or alleviate the cause of such delay or failure with a view to resuming performance of its contractual obligations as soon as practicable. Notwithstanding the foregoing, in every case the delay or failure to perform must be beyond the control and without the fault or negligence of the Party claiming excusable delay. Any performance times pursuant to or arising from this Addendum shall be considered extended for a period of time equivalent to the time lost because of any delay that is excusable herein.
- 17.15. Equitable Relief. Each Party covenants, represents, and warrants that any violation of this Addendum by such Party with respect to its respective obligations set forth in Sections **Error! Reference source not found.** and 9 shall cause irreparable injury to the other Party and shall entitle the other Party to extraordinary and equitable relief by a court of competent jurisdiction, including, without limitation, temporary restraining orders and preliminary and permanent injunctions, without the necessity of posting bond or security.
- 17.16. Attorneys' Fees and Costs. If attorneys' fees or other costs are incurred by either Party to secure the performance of any obligations under this Addendum, or to establish damages for the breach thereof or to obtain any other appropriate relief, whether by way of prosecution or defense, the prevailing Party shall be entitled to recover from the other Party its reasonable attorneys' fees and costs incurred in connection therewith.
- 17.17. Conflict with ILA. If there is a conflict between any provision of this Addendum and the applicable Master Interlocal Agreement, this Addendum controls.
- 17.18. Audit Trails. TECHSHARE shall not disable audit trail functions in the Licensed Software or alter audit trail information without Subscriber written consent.
- 17.19. Breach Notification. TECHSHARE agrees that upon discovery of unauthorized access to Subscriber data, TECHSHARE will notify Subscriber both verbally and in writing. In no event shall the notification be made more than forty-eight (48) hours after TECHSHARE knows or reasonably suspects unauthorized access has or may have occurred. In the event of a suspected unauthorized access, TECHSHARE agrees to reasonably coordinate with Subscriber to investigate the occurrence.
- 17.20. Location of Data Center. All Subscriber data will remain in the 48 contiguous United States at all times.

[Signature Page to Follow]

TECHSHARE

SUBSCRIBER

Signature

Signature

G.K. Maenius
Executive Director

Printed Name

Date

Title

Date

Address:

Address:

500 W. 13th Street
Austin, Texas 78701

Attachment A – Resources and Fees

Attachment B – Implementation Work Plan and Costs (Applicable only if implementation services are being provided)

Attachment C – Criminal Justice Information Services Security Addendum



Attachment A Resources and Fees

County/District: Matagorda County

Commencement Date: May 1, 2024 (Estimated)

<u>Resource</u>	<u>Initial Annual SaaS Fee</u>
TechShare.Indigent Defense SaaS with Microsoft Azure Hosting Service	\$2,560.00

The annual SaaS Fee is based on population. For this calculation, decennial census figures or annual census estimates as published by the Texas Demographic Center, whichever is most recent as of March 1 immediately preceding the start of the budget period, will be used. The initial SaaS Fee will be prorated based on month of go-live.

Professional Services Fees for Implementation (one-time charges)

Time and Material charges:	\$12,325
Travel charges:	\$ 1,000
Total:	\$13,325

Payment Schedule

Amount	Description	Due Date
\$13,325	Implementation Costs	30 days following approval of agreement
\$ 2,560	Annual Subscription Fee (prorated from go-live month)	30 days following go live; annually thereafter

Attachment B Implementation Work Plan and Costs

Overview

The implementation approach is structured to ensure Matagorda County, can be up and running on TechShare. Indigent Defense as soon as possible. As part of that focus, the implementation team will ensure existing business processes, forms, and reports usage are understood and the changes to the organization, processes, training, and roles are communicated

Milestone Dates –

Weeks may not be sequential, Schedule subject to change based on discussions with Matagorda County

Milestone	Due Date
Provide System Orientation	Week 1
Revie Current Business Process	Week 1
Configure Software to Matagorda County Specifications	Week 2
Review Configuration with Matagorda County	Week 4
Smoke Test Complete	Week 4
Training and Go Live	Week 5

Integrations Required

None

Data Conversion Required

None

Attachment C
FEDERAL BUREAU OF INVESTIGATION CRIMINAL
JUSTICE INFORMATION SERVICES SECURITY
ADDENDUM

The goal of this document is to augment the CJIS Security Policy to ensure adequate security is provided for criminal justice systems while (1) under the control or management of a private entity or (2) connectivity to FBI CJIS Systems has been provided to a private entity (contractor). Adequate security is defined in Office of Management and Budget Circular A- 130 as “security commensurate with the risk and magnitude of harm resulting from the loss, misuse, or unauthorized access to or modification of information.”

The intent of this Security Addendum is to require that the Contractor maintain a security program consistent with federal and state laws, regulations, and standards (including the CJIS Security Policy in effect when the contract is executed), as well as with policies and standards established by the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB).

This Security Addendum identifies the duties and responsibilities with respect to the installation and maintenance of adequate internal controls within the contractual relationship so that the security and integrity of the FBI's information resources are not compromised. The security program shall include consideration of personnel security, site security, system security, and data security, and technical security.

The provisions of this Security Addendum apply to all personnel, systems, networks and support facilities supporting and/or acting on behalf of the government agency.

1.00 Definitions

- 1.01 Contracting Government Agency (CGA) - the government agency, whether a Criminal Justice Agency or a Noncriminal Justice Agency, which enters into an agreement with a private contractor subject to this Security Addendum.
- 1.02 Contractor - a private business, organization or individual which has entered into an agreement for the administration of criminal justice with a Criminal Justice Agency or a Noncriminal Justice Agency.

2.00 Responsibilities of the Contracting Government Agency.

- 2.01 The CGA will ensure that each Contractor employee receives a copy of the Security Addendum and the CJIS Security Policy and executes an acknowledgment of such receipt and the contents of the Security Addendum. The signed acknowledgments shall remain in the possession of the CGA and available for audit purposes.

3.00 Responsibilities of the Contractor.

- 3.01 The Contractor will maintain a security program consistent with federal and state laws, regulations, and standards (including the CJIS Security Policy in effect when the contract is executed), as well as with policies and standards established by the Criminal Justice Information Services (CJIS) Advisory Policy Board (APB).

4.00 Security Violations.

- 4.01 The CGA must report security violations to the CJIS Systems Officer (CSO) and the Director, FBI, along with indications of actions taken by the CGA and Contractor.

4.02 Security violations can justify termination of the appended agreement.

4.03 Upon notification, the FBI reserves the right to:

- a. Investigate or decline to investigate any report of unauthorized use;
- b. Suspend or terminate access and services, including telecommunications links. The FBI will provide the CSO with timely written notice of the suspension. Access and services will be reinstated only after satisfactory assurances have been provided to the FBI by the CJA and Contractor. Upon termination, the Contractor's records containing CHRI must be deleted or returned to the CGA.

5.00 Audit

5.01 The FBI is authorized to perform a final audit of the Contractor's systems after termination of the Security Addendum.

6.00 Scope and Authority

6.01 This Security Addendum does not confer, grant, or authorize any rights, privileges, or obligations on any persons other than the Contractor, CGA, CJA (where applicable), CSA, and FBI.

6.02 The following documents are incorporated by reference and made part of this agreement: (1) the Security Addendum; (2) the NCIC 2000 Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20. The parties are also subject to applicable federal and state laws and regulations.

6.03 The terms set forth in this document do not constitute the sole understanding by and between the parties hereto; rather they augment the provisions of the CJIS Security Policy to provide a minimum basis for the security of the system and contained information and it is understood that there may be terms and conditions of the appended Agreement which impose more stringent requirements upon the Contractor.

6.04 This Security Addendum may only be modified by the FBI and may not be modified by the parties to the appended Agreement without the consent of the FBI.

6.05 All notices and correspondence shall be forwarded by First Class mail to:

Assistant Director
Criminal Justice Information Services Division,
FBI 1000 Custer Hollow Road
Clarksburg, West Virginia 26306

**FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES
SECURITY ADDENDUM**

CERTIFICATION

I hereby certify that I am familiar with the contents of (1) the Security Addendum, including its legal authority and purpose; (2) the NCIC 2000 Operating Manual; (3) the CJIS Security Policy; and (4) Title 28, Code of Federal Regulations, Part 20, and agree to be bound by their provisions.

I recognize that criminal history record information and related data, by its very nature, is sensitive and has potential for great harm if misused. I acknowledge that access to criminal history record information and related data is therefore limited to the purpose(s) for which a government agency has entered into the contract incorporating this Security Addendum. I understand that misuse of the system by, among other things: accessing it without authorization; accessing it by exceeding authorization; accessing it for an improper purpose; using, disseminating or re-disseminating information received as a result of this contract for a purpose other than that envisioned by the contract, may subject me to administrative and criminal penalties. I understand that accessing the system for an appropriate purpose and then using, disseminating or re-disseminating the information received for another purpose other than execution of the contract also constitutes misuse. I further understand that the occurrence of misuse does not depend upon whether or not I receive additional compensation for such authorized activity. Such exposure for misuse includes, but is not limited to, suspension or loss of employment and prosecution for state and federal crimes.

Contractor

TechShare Local Government Corporation

Signature of Contract Representative

Date

G.K. Maenius, Executive Director
Printed Name and Title

Maverick County

FY 2025 Multi-Year Grant Request

Indigent Defense Coordinator Office for Indigent Services In Maverick County

<-----Projected----->

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$88,000	\$83,000	\$83,000	\$83,000
County Match	\$17,600	\$33,200	\$49,800	\$66,400
FY25 Grant Request	\$70,400	\$49,800	\$33,200	\$16,600
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Maverick County is seeking grant funding to establish an Indigent Defense Coordinator (IDC) position. There is currently a significant communication and coordination gap between the county jail system and court system that creates a substantial barrier in the provision of services to indigent defendants and results in costly jail overcrowding. This is especially a problem in Maverick County, where the average household income is well below the Texas state average and a considerable portion of the population is unable to afford legal defense. The addition of 1 full-time IDC will institutionalize critical front-end processes, ensure compliance with the Fair Defense Act (FDA), provide timely legal counsel to indigent defendants, reduce administrative burdens on judges, and improve the efficiency and effectiveness of indigent defense in Maverick County.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Maverick County Improvement Grant Application Narrative
Indigent Defense Coordinator Office for Indigent Services In Maverick County
Multi-year

a. Application Form

Counties Represented: **Maverick**

Fiscal Year: **2025**

State Payee Identification Number: **17460007028**

Division To Administer Grant: **Maverick County Judge's Office**

Program Title: **Indigent Defense Coordinator Office for Indigent Services In Maverick County**

Requested Grant Amount: **\$88,000.00**

Authorized Official: **Ramsey English Cantu**

Financial Officer: **Raul Trevino**

Program Director: **Isaak T. Ruiz**

Mailing Address: **500 Quarry Street; Suite 3; Eagle Pass, TX 78852**

b. Introduction (Executive Summary)

Maverick County is seeking funding through the Texas Indigent Defense Commission to establish an Indigent Defense Coordinator (IDC) position. This initiative will enhance our judicial system by institutionalizing critical front-end processes to ensure full compliance with the Fair Defense Act and provide timely legal counsel to indigent defendants. The IDC will oversee the appointment process, manage the rotation of court-appointed attorneys, ensure continuous professional development, and uphold the standards of fair and unbiased legal representation. This program aims to reduce administrative burdens on judges and improve the efficiency and effectiveness of indigent defense in Maverick County.

c. Problem Statement

In Maverick County, a significant communication and coordination gap between the county jail system and the court system creates substantial barriers in the provision of services to indigent defendants. This disconnect leads to critical delays and inconsistencies in securing timely legal representation for these individuals, exacerbating their vulnerability and potentially compromising their right to a fair trial. Such systemic inefficiencies undermine the rights of defendants, contribute to prolonged durations of court cases, increase jail overcrowding, and elevate the financial and operational costs to the county. The lack of formal integration and coordinated oversight in the current resources fails to provide a cohesive and efficient approach to managing indigent defense, which significantly strains the county's judicial and correctional systems. The issue has increasingly become critical with the migrant situation affect Maverick County and the court system. The county and district court systems are overwhelmed and without an indigent defense coordinator, the indigent individuals will be greatly disadvantage without knowledge of their rights within the court system.

The socio-economic backdrop of Maverick County, where the average household income is substantially below the Texas state average, further complicates the situation. A considerable portion of the population, unable to afford legal defense, remains at high risk of inadequate representation. This scenario not only leads to increased financial burdens on the local justice system through extended jail stays and court processing times but also has severe social implications. The risk of unjust legal outcomes for indigent defendants is a dire consequence, affecting not only the individuals involved but the community's trust in the judicial system as a whole.

Addressing these issues is critical and the establishment of an Indigent Defense Coordinator Office is pivotal. This office would act as a central node to ensure seamless, effective, and equitable legal support across all entities involved in the criminal justice process. By improving communication and coordination, this office would directly address the delays and discrepancies currently plaguing the system. The Indigent Defense Coordinator would manage the front-end processes to ensure compliance with the Fair Defense Act, facilitate timely access to counsel, and oversee the quality of legal representation provided. This

strategic intervention is expected to streamline judicial processes, reduce jail populations through faster case resolutions, and ensure that all defendants receive the competent legal representation they are entitled to under the law, ultimately restoring efficiency and fairness to the administration of justice in Maverick County.

d. Objectives

The objectives for the establishment of the Indigent Defense Coordinator (IDC) Office in Maverick County are designed to address the systemic inefficiencies highlighted in the problem statement and ensure that indigent defendants receive timely and fair legal representation. The following objectives are specific, measurable, and aligned with the challenges identified:

Streamline the Appointment Process

By December 2024, reduce the average time from arrest to appointment of counsel for indigent defendants by 50%. This objective targets the critical delays in legal representation, ensuring faster access to justice and reducing jail overcrowding.

Enhance Quality of Legal Representation

Implement a continuous training program for all appointed attorneys by March 2025, with at least two training sessions per year thereafter. This will improve the quality of legal defense provided to indigent defendants by ensuring that attorneys are well-versed in the latest legal practices and standards.

Standardize Indigence Determination Procedures

By June 2025, develop and implement a standardized procedure for determining indigence, approved by the judicial system of Maverick County. This will address discrepancies in how indigence is assessed, ensuring a fair, neutral, and consistent approach across all cases.

Improve Case Tracking and Reporting

Establish an integrated case management system by September 2025, capable of tracking every indigent defense case from initiation to resolution. This system will provide monthly reports to the judiciary, facilitating better oversight and more informed decision-making.

Reduce Judicial and Administrative Burdens

By January 2026, achieve a 30% reduction in the time judges and court staff spend on administrative tasks related to indigent defense by streamlining processes through the IDC office. This will free up judicial resources, allowing for more efficient court operations.

Increase Defendant Satisfaction

Conduct annual surveys starting in December 2025, with the goal of achieving at least an 80% satisfaction rate among indigent defendants regarding the timeliness and quality of the legal representation they receive.

Each of these objectives directly addresses the issues outlined in the problem statement, focusing on improving coordination, quality of legal defense, and efficiency within the Maverick County judicial system. By meeting these objectives, the IDC will ensure that indigent defendants receive the support and representation they are legally entitled to, thereby enhancing the fairness and effectiveness of the criminal justice system in Maverick County.

e. Activities

To establish the Indigent Defense Coordinator (IDC) Office in Maverick County, a comprehensive series of activities has been planned, starting with securing and setting up a dedicated office space by November 2024. This initial step involves equipping the office with necessary furniture, computers, and telecommunication systems, using existing county resources to manage costs effectively. The centralized office will serve as the hub for all IDC operations, enhancing coordination and communication across the county's judicial and defense systems.

Following the office setup, the focus will shift to the recruitment and training of the Indigent Defense Coordinator and necessary support staff. The hiring process is targeted for completion by January 2025, with specialized training sessions scheduled to continue as an ongoing activity. These sessions will cover

legal standards and local procedures to ensure high-quality service delivery. Recruitment will be conducted through the county's human resources department, and external trainers may be contracted for specific legal training sessions, providing the IDC and staff with the expertise required to handle cases effectively.

Another critical activity involves the development and implementation of standardized procedures for determining indigence, set to be completed by June 2025. The IDC will collaborate with local judges and legal experts to craft procedures that ensure fairness and consistency in legal representation. This standardization is expected to reduce discrepancies in legal outcomes for indigent defendants, aligning with studies that highlight the benefits of consistent assessment criteria.

By September 2025, an integrated case management system will be implemented. This system will enable efficient tracking of all indigent defense cases from initiation to resolution, improving the management and oversight of cases. IT contractors will be involved in the setup and maintenance of the system, with training provided to all relevant users to ensure full proficiency in its operation.

Ongoing monitoring and adjustment of processes will commence in October 2025 to ensure that the IDC office continuously refines its operations to meet changing needs and challenges. This will involve regular reviews of performance data, with adjustments made based on empirical evidence and stakeholder feedback.

Lastly, the IDC office will engage actively with the community and various stakeholders through meetings, public information sessions, and media relations efforts starting in November 2024. This engagement is crucial for building trust and transparency within the community, ensuring that the public is informed and supportive of the improvements being made in indigent defense services.

Each of these activities is designed to not only address the specific needs of Maverick County's indigent defense system but also to ensure economic efficiency and effectiveness. The integration of new and existing personnel, including the strategic use of contractors, ensures that the program is robust, sustainable, and capable of achieving the intended improvements in legal representation and judicial processing.

The primary role for carrying out the success for this program will be the Indigent Defense Coordinator, the county is committed to making this IDC Office, a successful one. The role of the IDC will be critical in communication and coordination of courts and jail system.

f. Evaluation

The evaluation strategy for the Indigent Defense Coordinator (IDC) Office in Maverick County is meticulously constructed to ensure comprehensive measurement and continuous improvement of the program. This plan is intricately linked to the objectives and activities of the IDC Office, focusing on both the progress of implementation and the effectiveness of the program once fully operational.

Data Collection and Quantitative Metrics

The evaluation will employ an advanced online case management system to capture and maintain all indigence applications and requests for appointed counsel. This system allows for electronic submission and systematic tracking, ensuring accuracy and efficiency. Each month, key data points such as the number of applications received, the time from arrest to the appointment of counsel, and the outcomes of cases will be rigorously documented. This quantitative tracking is critical for assessing the program's primary goal of reducing delays in legal representation for indigent defendants.

Additionally, the effectiveness of the training provided to appointed attorneys will be evaluated through direct observation and feedback from peers and clients. The adherence to new standardized indigence determination

procedures will be assessed through random case reviews, ensuring that the new processes are followed correctly and are making a positive impact.

Qualitative Assessments and Stakeholder Engagement

To supplement quantitative data, the IDC will conduct semi-annual focus groups with key stakeholders, including judges, defense attorneys, and law enforcement officials. These discussions are aimed at gathering insights into the procedural changes and their perceived impact on the efficiency of the court system. Annually, defendant satisfaction surveys will be distributed to gauge the quality of legal representation received and the fairness of the trial process.

Annual reviews of case outcomes will also be undertaken to determine improvements in the quality of defense, as evidenced by more favorable outcomes for defendants. These qualitative assessments provide a deeper understanding of the program's impact beyond mere numbers, highlighting areas for potential improvement.

Documentation and Reporting Procedures

Comprehensive records of all collected data will be maintained meticulously, with detailed logs in a secure, centralized database. Monthly reports will be generated, providing a detailed analysis of progress against objectives, with statistical analyses and narrative summaries. These reports will serve not only as a measure of current performance but also as a tool for ongoing adjustment and strategy refinement.

An extensive annual evaluation report will also be produced, summarizing the data collected over the year and providing a thorough analysis of the program's overall impact. This report will include recommendations for future actions based on the year's findings, ensuring that the program remains adaptive and responsive to the needs identified through the evaluation process.

Collaborative Efforts for Comprehensive Evaluation

The IDC will establish formal data-sharing agreements with other county departments, facilitating a more holistic evaluation of the program's impact on Maverick County's broader justice system. External evaluators will also be engaged annually to perform audits, providing an unbiased assessment of the program's success and areas for improvement.

Utilization of Evaluation Findings

The IDC office will integrate feedback from all evaluations into its operational strategies through regular strategy meetings. These discussions will focus on integrating lessons learned into practice and adapting the program to better meet the evolving challenges within the judicial system.

The detailed evaluation plan for the IDC office in Maverick County is designed not only to monitor and report on the effectiveness of the program but also to foster an environment of continuous improvement. By employing a mix of quantitative metrics, qualitative assessments, and collaborative data-sharing initiatives, the program aims to enhance the provision of justice, ensuring that indigent defendants receive timely and fair legal representation.

g. Future Funding

The establishment of the Indigent Defense Coordinator (IDC) Office in Maverick County is a strategic initiative designed not only to improve the current delivery of legal services to indigent defendants but also to ensure sustainable operations and funding in the long term. This approach aligns with Maverick County's broader financial planning for its indigent defense systems, integrating the IDC into the county's ongoing fiscal strategies and ensuring its continuation beyond the initial grant period.

Alignment with County Financial Systems

The funding strategy for the IDC Office is developed to be in harmony with Maverick County's existing financial frameworks for public services. The position is funded initially through the Texas Indigent Defense Commission Improvement Grant, which provides a structured financial model: the grant covers a significant

portion of the operational costs for the first four years, with an increasing local match requirement each year. This model encourages the county to gradually integrate the IDC's operational expenses into its regular budgeting processes.

Yearly Financial Planning

For the first year, the grant will cover up to 80% of the total approved project costs, decreasing annually to 20% by the fourth year. This staged reduction in grant funding is designed to help Maverick County plan and adjust its annual budgets to accommodate the increasing share of costs. By integrating the IDC expenses into the county's annual budget incrementally, Maverick County ensures a smooth financial transition that aligns with its fiscal capacities and long-term financial planning.

Sustainability and Cost-Efficiency

The IDC Office is projected to bring significant cost savings and efficiency improvements to the county's indigent defense system. By reducing case processing times, improving the quality of legal representation, and streamlining administrative processes, the office is expected to decrease overall costs associated with prolonged pretrial detentions and inefficient case handling. These savings can be redirected to support the continued funding of the IDC position and other critical judicial services.

Leveraging Additional Funding Sources

In addition to the planned budget integration, Maverick County will actively seek additional funding sources to support the IDC Office. This may include other grants, state or federal funding opportunities, and partnerships with local organizations. By diversifying its funding sources, the county aims to enhance the financial stability of the IDC Office and expand its services without overburdening local taxpayers.

Monitoring and Evaluation of Financial Impact

To ensure that the IDC Office remains financially viable and continues to align with the county's fiscal objectives, regular financial audits and program evaluations will be conducted. These assessments will help track the cost-effectiveness of the IDC Office, making it possible to adjust financial planning and resource allocation to meet the evolving needs of Maverick County's indigent defense system.

In summary, the funding and sustainability plan for the Indigent Defense Coordinator Office in Maverick County is carefully crafted to fit into the county's long-term financial systems for indigent defense. By planning for gradual fiscal integration, pursuing additional funding opportunities, and continuously monitoring financial impacts, Maverick County aims to ensure the enduring success and sustainability of this vital judicial function.

h. Budget Narrative and Budget Form

For the effective establishment and operation of the Indigent Defense Coordinator (IDC) Office in Maverick County, a detailed budget has been meticulously prepared to cover essential costs such as salary, fringe benefits, office supplies, and technological equipment. This budget is crafted to ensure the IDC is equipped with the necessary resources to perform their duties efficiently and effectively, thus enhancing the provision of legal services to indigent defendants within the county.

Salary and Fringe Benefits

The proposed budget allocates a salary of \$60,000 for a knowledgeable and experienced individual to fill the role of the Indigent Defense Coordinator. This position is classified as full-time exempt, reflecting the significant responsibilities and expertise required to manage and coordinate indigent defense services effectively. In addition to the base salary, the budget includes a 30% fringe benefit rate, amounting to \$18,000. These benefits cover health

insurance, retirement contributions, and other employment-related benefits, ensuring that the position is competitive and in line with county employment standards. The total compensation package for the IDC thus totals \$78,000 annually.

Office Supplies

An allocation of \$5,000 is earmarked for office supplies necessary for the daily operations of the IDC Office. These supplies include, but are not limited to, stationery, printing materials, and small office equipment. These resources are critical to maintaining an organized and functional office environment, enabling the IDC to manage workflows efficiently and keep accurate records of indigent defense activities.

Equipment and Technology

The budget also includes a specific allocation of \$5,000 for equipment, primarily focusing on technology and software critical for the IDC's operations. This funding will be used to purchase essential hardware such as computers, printers, and other necessary technological tools. Additionally, a significant portion of this budget will cover the costs of licensing for specialized software like TechShare or a similar system. Such software is instrumental in streamlining the indigent defense process through enhanced case management, appointment scheduling, and data reporting capabilities. The investment in such technology is vital for improving the efficiency and accuracy of services provided by the IDC Office.

Justification and Impact

The budgeted items are carefully chosen to support the core functions of the Indigent Defense Coordinator Office, directly aligning with the overall goals of improving legal representation for indigent defendants and enhancing judicial efficiency in Maverick County. The inclusion of comprehensive fringe benefits ensures the recruitment and retention of a highly qualified professional capable of leading this initiative. Similarly, the allocation for office supplies and technological equipment is crucial for setting up a fully operational office capable of handling the demands of the county's indigent defense system.

Each component of this budget is essential for the successful implementation and sustained operation of the IDC Office, reflecting a strategic investment in Maverick County's justice system. By ensuring the IDC is well-supported and resourced, the county demonstrates its commitment to upholding the rights of its most vulnerable citizens and enhancing the quality of its public defense services.

Personnel Costs		\$78,000.00
FTE's	1.00	
Salary	\$60,000.00	
Fringe Benefits	\$18,000.00	
Travel and Training		
Equipment		\$5,000.00
Supplies		\$5,000.00
Contract Services		
Indirect		
Total		\$88,000.00
Required County Match		\$17,600.00
Total less County Match		\$70,400.00

Home



OFFICE OF THE COUNTY JUDGE
THE HONORABLE RAMSEY ENGLISH CANTÚ

Hon. Judge Ramsey English Cantú
Maverick County Judge's Office
500 Quarry Street, Suite 3
Eagle Pass, TX 78852

Texas Indigent Defense Commission
2025 Improvement Grant Application
Grant Review Committee

May 9, 2024

RE: Support for Maverick County Improvement Grant Application – Indigent Defense
Coordinator Office

Dear Grant Review Committee,

I am writing to express my enthusiastic support for Maverick County's 2025 Improvement Grant Application to fund the position of an Indigent Defense Coordinator, along with necessary office supplies, equipment, and software. This initiative is pivotal in our continuous efforts to enhance the effectiveness and efficiency of our legal system, particularly in providing defense services to our indigent population.

Maverick County is committed to ensuring that all residents, regardless of their financial status, have timely access to quality legal representation. The establishment of an Indigent Defense Coordinator Office is a significant step toward structuring our resources and processes to meet the requirements of the Fair Defense Act. This position will not only oversee the coordination between our jail system and courts but will also manage crucial front-end processes that are fundamental to justice.

We trust that the merits of our application and the critical nature of the proposed enhancements to our judicial infrastructure will meet your favorable consideration. We are eager to advance this initiative with your support, which will undoubtedly make a significant difference in the lives of many of our residents.

Thank you for considering our application. We look forward to the possibility of collaborating with the grant committee to bring this vital project to fruition.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Ramsey English Cantú.

Hon. Ramsey English Cantú
Maverick County Judge

Jaime A. Iracheta
Maverick County Attorney



Luis Gurrola-Villarreal
Assistant County Attorney

Cecilia A. Mascorro
Assistant County Attorney

Alexis De La Garza
Assistant County Attorney

MAVERICK COUNTY ATTORNEYS OFFICE

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Jaime A. Iracheta, County Attorney
Maverick County Attorney's Office

Texas Indigent Defense Commission
2025 Improvement Grant Application
Grant Review Committee

May 9, 2024

RE: Support for Maverick County Improvement Grant Application – Indigent Defense Coordinator Office

Dear Grant Review Committee,

As the County Attorney of Maverick County, I am writing to express my strong support for our county's application for the 2025 Improvement Grant to fund the Indigent Defense Coordinator position, along with essential office supplies, and advanced technological equipment and software.

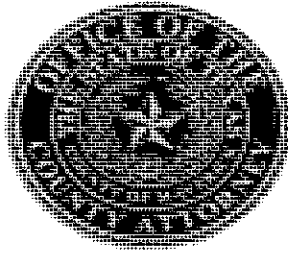
Ensuring that every citizen, regardless of financial capacity, has timely access to effective legal representation is a cornerstone of our justice system. The creation of the Indigent Defense Coordinator Office is a critical step towards enhancing our capacity to provide indigent defense services that are not only efficient but also adhere to the highest standards of justice.

The role of the Indigent Defense Coordinator will be crucial in streamlining the processes between our jail system and the courts. By overseeing these interactions, we can significantly improve the management of cases and ensure that the rights of the accused are vigorously protected.

Additionally, the request for funds to acquire necessary office supplies and modern software, such as TechShare, will empower this office to operate at peak efficiency. These tools are indispensable for effective case management, allowing us to maintain thorough oversight and ensure accountability within our legal processes.

I strongly believe that with the support of this grant, Maverick County will be better equipped to uphold the principles of justice and fairness. This funding will not only improve our judicial

Jaime A. Iracheta
Maverick County Attorney



Luis Gurrola-Villarreal
Assistant County Attorney

Cecilia A. Mascorro
Assistant County Attorney

Alexis De La Garza
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infrastructure but also profoundly impact the lives of many within our community by enhancing the quality and accessibility of legal defense services.

I urge the committee to provide favorable consideration for this grant application, as it is vital for the continued development and improvement of our legal services in Maverick County.

Thank you for considering our application. I am eager to see the positive outcomes that will surely arise from the successful implementation of this project.

Sincerely,

Jaime A. Iracheta

A handwritten signature in black ink, appearing to read "Jaime A. Iracheta", is written over the typed name.

Maverick County Attorney

DISTRICT ATTORNEY
Roberto Serna

**ASSISTANT DISTRICT
ATTORNEYS**
Amanda Riojas
Hugo Zapata
Ruben Ramos
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CHIEF INVESTIGATOR
Eloy M. Garcia

**DISTRICT ATTORNEY
INVESTIGATORS**
Erasmio Ramon
Clemente De Hoyos
Joe Richard Guzman
Michael Torralba
Yesica Jasso
Humberto Gutierrez

May 10, 2024

Texas Indigent Defense Commission
2025 Improvement Grant Application
Grant Review Committee

RE: Support for Maverick County Improvement Grant Application – Indigent Defense
Coordinator Office

Greetings;

As the District Attorney of the 293rd Judicial District I do endorse Maverick County's 2025 Improvement Grant Application. This grant seeks critical funding for the position of an Indigent Defense Coordinator, along with necessary office supplies and technological resources. In our pursuit of justice, it is imperative that we equip our indigent defense system with the tools and leadership necessary to operate efficiently. The establishment of an Indigent Defense Coordinator will provide pivotal oversight and coordination, ensuring that our most vulnerable citizens receive competent and timely legal representation.

The additional funding requested for office supplies and modern software, such as TechShare, is also of paramount importance. These resources are essential for the effective management of defense services, offering enhanced capabilities in case tracking, data management, and overall legal process facilitation. Our commitment to upholding justice in Maverick County is steadfast, and the award of this grant will significantly bolster our efforts to provide equitable legal defense. It will also assist in fulfilling our obligations under the Fair Defense Act, ensuring that every defendant's right to a fair trial is preserved. I urge the committee to approve Maverick County's grant application, as it will not only strengthen our judicial infrastructure but also profoundly impact our community by improving the quality and accessibility of legal services.

Thank you for considering this crucial initiative.

Respectfully,

A handwritten signature in cursive script that reads "Roberto Serna".

Roberto Serna,
293rd Judicial District Attorney

Position Title: Indigent Defense Coordinator

Location: Maverick County, Texas

Department: Maverick County Court System

Reports To: Directly to Maverick County Judge

Job Type: Full-time

Grant Duration: 4 years

Overview:

Maverick County is seeking a dedicated Indigent Defense Coordinator (IDC) responsible for overseeing and institutionalizing indigent defense processes within the county or region. The IDC will ensure compliance with the Fair Defense Act, manage front-end processes, and maintain timely access to counsel for qualified defendants.

Key Responsibilities:

- **Appointments Management:**
 - Serve as the designee for judges to perform all appointments of counsel, both in and out of court settings.
 - Maintain and manage the rotation default system for assigned counsel and monitor exceptions for off-list appointments.
 - Ensure a fair, neutral, and non-discriminatory appointment process, maintaining clear and objective standards of indigence with a timely appeal process.
- **Administrative Oversight:**
 - Oversee the graduated list of court-appointed attorneys, handling applications for advancements or adjustments as attorneys meet higher qualifications.
 - Monitor the completion of Continuing Legal Education (CLE) by attorneys to meet the local plan and Commission rules.
 - Review and compare attorneys' invoices to the appointment schedule before judicial approval.
- **Reporting and Compliance:**
 - Provide monthly reports summarizing appointment data to the judges.

- Develop procedures to track attorney-client contact, including investigating and reporting allegations of attorneys not meeting clients as required.
- Ensure all courts in the jurisdiction are involved in the process, aligning with jurisdiction size and structure.

• Training and Development:

- Conduct training sessions for law enforcement, magistrates, local bar, and other stakeholders on the indigent defense plans adopted by the courts.

Required Qualifications:

• Education and Experience:

- Bachelor’s degree in Criminal Justice, Law, Public Administration, or related field preferred.
- Experience in legal administration, case management, or a directly related field is highly desirable.

• Skills and Abilities:

- Strong understanding of the judicial system and processes surrounding indigent defense.
- Excellent organizational, communication, and interpersonal skills.
- Ability to work independently and handle multiple responsibilities simultaneously.
- Proficient in the use of legal software and technology used for case management.

Application Process:

Interested candidates must submit a resume, cover letter, and references. Applications are accepted through Maverick County's official website or as directed in job postings.

Note:

This position is funded under a grant that requires compliance with specific program elements as outlined by the Texas Indigent Defense Commission. Non-adherence to these stipulations could affect funding and the continuation of the position.

Medina County

FY 2025 Mental Health Grant Request

Mental Health Grant for the Hill County Regional Public Defender Office

<-----Projected----->

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$417,560	\$387,560	\$387,560	\$387,560
County Match	\$83,512	\$155,024	\$232,536	\$310,048
FY25 Grant Request	\$334,048	\$232,536	\$155,024	\$77,512
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

The Hill Country Regional Public Defender Office (HCRPDO), serving Medina, Bandera, Gillespie, Kerr, and Kendall Counties, requests grant funding to address the lack of mental health resources in the area for indigent clients and seeks to assist in getting the mental health treatment they need before, during, and after leaving the criminal justice system. Through a team consisting of 5 FTEs, including a licensed social worker and 4 case managers, the HCRPDO will reduce the delay in getting treatment to incarcerated people with mental illness by collaborating with jails, magistrates, and pre-trial services and will look for programs and alternatives to the State Hospital. This will also reduce jail costs for housing and treatment.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Medina County Improvement Grant Application Narrative
Mental Health Grant for the Hill County Regional Public Defender Office
Mental Health Public Defender Improvement

a. Application Form

Counties Represented: **Bandera, Gillespie, Kendall, Kerr, Medina**

Fiscal Year: **2025**

State Payee Identification Number: **TX**

Division To Administer Grant: **Medina County Auditor's Office**

Program Title: **Mental Health Grant for the Hill County Regional Public Defender Office**

Requested Grant Amount: **\$334,048.00**

Authorized Official: **Beverly Ham**

Financial Officer: **Eduardo Lopez**

Program Director: **Karli Kennell**

Mailing Address: **1300 Avenue M; Hondo, TX 78861-1218**

b. Introduction (Executive Summary)

Medina, Bandera, Gillespie, Kerr, and Kendall Counties established the Hill Country Regional Public Defender Office (HCRPDO). Medina County is the lead administrative county and grantee for this program beginning October 1, 2022. The HCRPDO has been representing indigent defendants and noticed an increasing problem with clients who need to receive mental health treatment. These defendants need assistance in getting the proper care during and after finishing in the criminal justice system. Some clients are waiting extensive amounts of time in jail to receive placement and treatment which hopefully helps them regain competency.

c. Problem Statement

During the three years of operation of the Hill Country Regional Public Defender Office's (HCRPDO) existence, there has been overwhelming evidence of the lack of mental health resources to assist indigent clients in receiving the mental health treatment they need before, throughout, and after leaving the criminal justice system.

According to the most recent data, that was gathered in 2021 by Texas Law Enforcement Telecommunications System (TLETS), 5% of the Texas population has a Serious Mental Illness (SMI) diagnosis. On top of this, 39% of people booked into Texas county jails have been in contact with the public mental health system in the last three years. Further, 72% of people with a SMI diagnosis, who are in jail, have a co-occurring substance abuse disorder, based on national estimates. Also based on national estimates, 92% of people with a SMI diagnosis in jail have had a serious trauma such as an experience of assault or sexual abuse.

Along with this startling data, a study in Florida shows that homeless people, with a SMI diagnosis, have an average of sixteen interactions before they were willing to accept any form of help.

Since 2021, according to the Hill Country Mental Health and Developmental Disabilities (MHDD), the suicide data shows that 130 people in the Hill Country catchment area died of suicide. In the Medina County Sheriff's office, there are two mental health officers and the county averages twenty mental-health calls per month. On average, only two people of those twenty are transferred to crisis facilities. Despite currently having 2 mental health officers, mental health calls were handled by patrol deputies who are not specialized in handling mental health calls for the time period of June 2023 to November 2023.

Between 1985 and 2020, the population of all Texas correctional facilities has increased by 251%. In following with this, the percentage population of people with a SMI diagnosis has increased accordingly.

Because of these numbers, inevitably, people diagnosed with a SMI diagnosis end up in the criminal justice system. This grant would provide the opportunity for earlier identification and aid to the clients that are appointed to the HCRPDO. This would allow for screenings and for informed decision making around a client's care in jail and out. Further, it would enable the attorneys of the HCRPDO to seek bonds that allow for pre-release programs that route people into community-based care programs instead of extended jail stays.

Frighteningly, once a client is found incompetent, the wait for treatment is almost more than a year. The current average wait time for an inmate from arrest to commitment to the State Hospital, according to Texas Health and Human Services, is 528 days for a client in a non-maximum-security unit and 389 days for someone in a maximum-security unit. Meaning that during this time, the client is receiving limited mental health care treatment in jail. Jail rules often restrict the medications and behavioral therapy clients may receive. Because of their mental and behavioral complications, they often end up in a solitary cell to protect

themselves and the jail population. The limited beds in State Hospitals causes a true period of suffering for clients and prevents any progress, and sometimes worsens, the mental health issues.

Also, if the mental or behavioral health issue is identified early, attorneys and case managers could seek to find diversionary programs that allow the criminal charges to be resolved while taking care of the client's behavioral and mental health needs in the community. Criminal charges could be used as leverage to encourage clients to actively participate in treatment.

If this persistent problem is not addressed, the difficulties are going to grow costing the counties millions of dollars in jail costs and mental health treatment as well as continuing to allow those with serious mental illnesses to suffer and pose a threat to our communities. This grant could be a start in resolving these issues. It would provide a resource immediately upon arrest to begin helping our most vulnerable citizens while protecting the rest of the community and decreasing costs to the counties. This is both an issue of care for humanity and financial responsibility.

Our clients require this assistance and as their criminal defense attorneys, we believe that helping with their mental health will reduce their problems in the criminal justice system.

d. Objectives

The goals of this grant are simple but will require a plan and work to achieve. The goals are as follows:

1. To assist in getting treatment to members of society who have nowhere to turn for assistance and end up in the criminal justice system due to mental and behavioral issues.
 - a. This will be measurable by how many mentally ill people receive assistance either during their criminal justice process or afterwards.
 - b. Within the first twelve months of the grant, the goal will be to locate programs and direct at least half of our mentally ill clients to aid. While the goal is to direct the clients to aid, we will also work to get them to accept the help.
 - c. Quarterly reports will be provided to show how many clients with a serious mental or behavioral diagnosis are receiving assistance and how many programs people have started.
 - d. These objectives are consistent in trying to get clients out of the criminal justice system and motivate them to receive the treatment they need to become healthier and less of a risk to society and less likely to become recidivists.
2. To reduce the delay in getting treatment to incarcerated people with mental illness,
 - a. By collaboration with the jails, magistrates, and pre-trial services to quickly identify the inmates who are suffering.
 - b. By determining which inmates are suffering with mental health issues and getting them the help they need.
 - c. By getting all clients the medication and treatment needed during the criminal justice process.
 - d. As well as measuring the number of inmates who can get out of jail and into community-based programs.
 - e. Also, the quarterly report the HCRPDO prepares, numbers will indicate how many inmates with mental and behavioral diagnoses were released on bond or received in-custody treatment or medications that they would not have received otherwise.
 - f. This is consistent in reducing the cost of housing the clients with mental health diagnoses and encouraging treatment as an alternative to incarceration.
3. To reduce the delay in getting clients who were found incompetent to treatment instead of remaining in jail,
 - a. By reducing the shockingly long wait time for treatment for incompetent clients, the social worker and case managers would look for programs and alternatives to the State Hospital for treatment as well as monitoring and assisting in their treatment if they remain in custody hoping to allow them to regain competency.
 - b. Determining the success of this would simply require an evaluation of waiting time for treatment once incompetency is determined.
 - c. This will also be reported in the same quarterly report.
 - d. As well as being a more humane way of handling this situation, this will also reduce the jail costs for housing and treating the mentally ill.

e. Activities

Our plan is to hire a licensed social worker and four case managers who will help our clients get the help they need and break the pattern of re-entry into the criminal justice system. With this Mental Health Grant, we would work to get our clients the care they need quickly and with better results. When hired, the four case managers will be able to get into the communities to find programs in all five of the participating counties and to assist with mental health forms in the jails.

Once the grant is received, the HCRPDO hopes to utilize the social worker and case managers to interview the flagged clients and determine their history and diagnosis, if there is any. After this, the HCRPDO will work as a team, with the mental health staff, researching options to see what help they can provide.

1. These tasks will be accomplished as follows:
 - a. A client is flagged by the jail, the attorney, magistrate, or pre-trial as a person who is potentially suffering with a mental or behavioral illness.
 - b. One of the case managers or the social worker will visit the client in jail or in the office and prepare a HIPAA release and a Mental Health Intake form (attached as Attachment A).
 - c. After this meeting, the mental health staff will begin to research different community-based organizations that might fit this client and will subpoena the records of any mental health treatment this client received before this time.
 - d. Once an appropriate program is located and if the client is willing to participate (the mental health team will explain the program to the client and try to positively influence them to participate), the attorney will discuss options with the District or County Attorney's office. These options could include release on bail with bond conditions requiring treatment, use of the criminal charge as leverage to convince the client to participate actively in treatment, discussion of different forms of in-jail treatment, and discussions of alternatives to prison if the client will go into treatment and stay in it, possibly as a condition of probation or after several extended resets.
 - e. If the client does receive a sentence that is custodial, the mental health team will help the client with options upon release and will discuss with the jail the mental health history to assure that the client is receiving appropriate medication and/or treatment.
2. These programs will work together with Community Supervision and Corrections Department (CSCD) and with MHDD to try to find treatment programs within MHDD or community-based programs to work together with probation and pre-trial to provide help for these clients. The existing programs will be essential in assisting with locating and encouraging participation in programs.
 - a. To start-up this program, the mental health team will reach out, through community resources and locate different programs that are available. As an office, the HCRPDO already located several programs that are helpful; however, there are more programs and there is more help within the community. Having someone dedicated to finding these programs will help a great deal.
 - b. An employee in this program will be meeting with and assisting clients suffering with a serious mental illness or behavioral issue to find treatment options that will help prevent recidivism and continued illness for the client, thus reducing costs to the counties and enabling the client to hopefully receive treatment that will help with their future success.
 - c. With any amount of success in these endeavors, jail costs will decrease because incarcerations will be shorter, recidivism will decrease, people will suffer less, and there will be less clients requiring specialized care in the jails.
 - d. This will be a program primarily implemented by the new staff.

Ongoing Activities

1. Continuing to provide high quality representation to all defendants appointed to the HCRPDO while utilizing resources to help with our clients who are diagnosed with mental illness.
2. Conducting intake interviews with clients within 48 hours of appointment and completing a mental health worksheet.
3. Monitoring the clients diagnosed with mental illness to assure they are getting their needs met in and out of jail.
4. Reporting at the normal quarterly meetings of the oversight board and progress reports by the Chief to the board.
5. Regular staff meetings regarding progress in mental health and education on new facilities.
6. Providing ongoing supervision of mental health staff and semi-annual performance evaluations.

7. Establishing a training program for HCRPDO attorneys, and staff on how to help with mentally ill patients.
8. Collecting and analyzing data and utilizing it for performance evaluations, reporting to TIDC and the counties.
9. The Chief, or one of her representatives, will meet with community leaders, judges, and jail staff to see what kind of progress we are all making together.
10. Encouraging other county departments to join in the HCRPDO's efforts in helping with the mental health crisis.

f. Evaluation

The mental health team will provide quarterly reports quantifying the work that they completed.

1. The form will count how many people were contacted during the quarter. It will further show how many have accepted assistance.
2. Also, it will show how many people accepted help and were able to either get out of jail and into a program or receive community-based help in the jail. This will show how many were released on bond and how many had their pleas adjusted because of mental health treatment. Also, this will show how many people are waiting on a commitment because of incompetency findings.
3. All of these will be quantifiable. They will be counted, and the numbers reported in the quarterly report. The quantifiable numbers will include how many people are receiving assistance, how many people have been placed in a program, how many people are receiving treatment, and how long people are waiting for a commitment or treatment to regain competency.
4. These reports will be quarterly but will provide statistics for each month in the quarter.
5. Data will be collected from the courts, the jails, CSCD, pre-trial services, and from the HCRPDO's case management system.
6. Success will be determined by improvement in these numbers. If there is a continued increase in treatment options and people being admitted to treatment programs as well as less time in jail and less time waiting for a bed once found incompetent, success will be clear.
7. This will all be recorded through the quarterly reports where the trends will be clear. An annual report will be provided with graphs showing progressions throughout the year.
8. Every quarter, when the reports are produced, they will be discussed with the Chief Public Defender to see how progress is going as well as to see if there are changes that need to be made to achieve these goals.

g. Future Funding

The establishment of this Mental Health Team into the Hill Country Regional Public Defender Office fits into the counties' long-term indigent defense financial systems as it is a cost-effective way of providing high quality representation for mentally ill indigent defendants. Sustaining this office is both financially feasible and in the best interest of the counties thanks to TIDC's 2/3 sustainability funding.

h. Budget Narrative and Budget Form

FY2025, hopefully, will represent the beginning of a sustainability grant for the Hill County Regional Public Defenders Office with 80% funding by TIDC and 20% funding by the 5 participating counties: Bandera, Gillespie, Kendall, Kerr, and Medina.

A separate Budget Narrative support document has been uploaded.

Personnel Costs		\$362,217.00
FTE's	5.00	
Salary	\$270,000.00	
Fringe Benefits	\$92,217.00	
Travel and Training		\$7,500.00
Equipment		\$30,000.00
Supplies		\$3,500.00
Contract Services		\$6,000.00
Indirect		\$8,343.00
Total		\$417,560.00
Required County Match		\$83,512.00
Total less County Match		\$334,048.00

Trinity County

FY 2025 Multi-Year Grant Request

Coordinator For Indigent Defense Services for Trinity County and Upgrade Management Software Program

	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$70,896	\$58,571	\$58,571	\$58,571
County Match	\$14,179	\$23,428	\$35,143	\$46,857
FY25 Grant Request	\$56,717	\$35,143	\$23,428	\$11,714
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Trinity County is facing significant challenges with its current system for managing indigent defense services and is seeking grant funding to enhance its indigent defense services by implementing an updated system to uphold fair, neutral, and nondiscriminatory practices through compliance with the Fair Defense Act (FDA) and hiring a dedicated full-time employee to serve as the Indigent Defense Coordinator (IDC). The IDC will be responsible for overseeing and managing various aspects of the county's newly implemented indigent defense software program.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Trinity County Improvement Grant Application Narrative
Coordinator For Indigent Defense Services for Trinity County and Upgrade Management Software Program
Multi-year

a. Application Form

Counties Represented: **Trinity**

Fiscal Year: **2025**

State Payee Identification Number: **17460001024**

Division To Administer Grant: **County Judge**

Program Title: **Coordinator For Indigent Defense Services for Trinity County and Upgrade Management Software Program**

Requested Grant Amount: **\$122,868.00**

Authorized Official: **Danny Martin**

Financial Officer: **Bonnie Kennedy**

Program Director: **Danny Martin**

Mailing Address: **162 W 1st street; P.O. Box 457; Groveton, TX 75845**

b. Introduction (Executive Summary)

Trinity County is aiming to enhance its indigent defense services by hiring dedicated individuals or a team to ensure compliance with the Fair Defense Act (FDA) for both adults and juveniles. Appointment and Documentation Process: Improve consistency and impartiality in the appointment process to uphold fair, neutral, and nondiscriminatory practices. Ensure thorough documentation of all appointments by the Fair Defense Act requirements for both adult and juvenile defendants. System Update for Reporting and Documentation: Implement an updated system for timely reporting and submission of documentation related to the Fair Defense Act. Enhance the efficiency, accuracy, and transparency of reporting processes to meet regulatory requirements. Enhanced Process for Fair Appointment Practices: Develop and implement an enhanced process to ensure fair appointment practices for indigent defense services. Individualized Focus on Defendant Needs: Tailor services to the individual needs of each defendant, ensuring that their rights are protected and that they receive appropriate legal representation. Improving Service Speed and Consistency: Streamline communication and coordination with individuals to expedite service delivery. Regularly evaluate performance and outcomes to identify areas for improvement and ensure accountability.

c. Problem Statement

***Based on the information provided, Trinity County is facing significant challenges with its current system for managing indigent defense services. Here's a proposal outlining the necessary steps and elements to address these challenges:

1. **A dedicated individual full-time. Currently the individual is trained and works on this when notified of a potential client and then proceeds through the system.
2. **Cloud-Based System Implementation**: Trinity County should transition to a modern, cloud-based system for managing indigent defense services. This will address concerns related to outdated software and lack of cloud-based saving capabilities.
3. **Eligibility Screening and Appointment Automation**: Implement an eligibility screening tool integrated into the system to analyze financial information and determine eligibility for indigent defense services. Automate the appointment of qualified attorneys based on the charged offense to expedite the process.
4. **Electronic Fee Vouchers and Reporting**: Develop a module within the system for electronic fee vouchers, allowing for streamlined review and approval by judges and electronic routing to the auditor for payment. Additionally, integrate tools for the preparation of Indigent Defense Expenditure Reports to enhance transparency and compliance.
5. **Data Management and Ownership**: Ensure that the system allows for proper data management, with clear ownership by the county and adherence to data disclosure laws. Develop protocols for data access and release, with approval required for third-party access.

6. ****User Training and Support****: Provide comprehensive training for system users, including public defenders, assigned counsel program staff, and local attorneys. Continuous support and updates should be offered to ensure efficient utilization of the system.

7. ****Compliance Tracking and Reporting****: Incorporate features for tracking compliance with local indigent defense plans and Commission rules, including attorney qualifications, continuing legal education (CLE) requirements, and appointment scheduling. Generate activity, summary, and management reports to monitor performance and compliance.

8. ****Stakeholder Engagement and Collaboration****: Involve key stakeholders such as the public defender's office, managed assigned counsel program, local defense bar, judges, and court staff in the planning, development, and implementation stages. Establish regular communication channels for feedback and collaboration.

9. ****Customization and Portability****: Ensure that the system is customizable to meet Trinity County's specific needs while also being portable for potential use in other jurisdictions. Develop clear documentation and procedures for system portability and replication.

10. ****Cost Transparency and Accountability****: Provide detailed cost explanations for technology project funding requests, with payments based on verifiable achievement of project phase completions. Contracts with vendors should specify data ownership, format, and termination procedures.

11. ****Continual Evaluation and Improvement****: Implement a process for ongoing evaluation of the system's effectiveness and efficiency in improving indigent defense services. Incorporate feedback from stakeholders and regular assessments to identify areas for improvement and optimization.

By addressing these elements, Trinity County can enhance its indigent defense services, streamline processes, improve transparency, and ensure access to effective assistance of counsel for individuals in need.

d. Objectives

I. Hire Dedicated personnel to implement a system for early access to defense counsel in Trinity County to ensure individuals involved in legal proceedings have timely representation reducing the risk of wrongful convictions and collateral consequences. Appoint by October 1, 2024

II. Purchase Software that will implement protocols to streamline the appointment process, enable swift assignment of defense counsel, and reduce jail costs with prolonged pretrial detention. Purchase and train by November 1, 2024

III. Establish mechanisms to monitor the impact of early access to defense counsel on case outcomes, track the rate of successful defense representation, reduce failure-to-appear incidents, and overall improve the legal outcome for individuals involved in the justice system. Monitor Data in January 2025; April 2025; and August 2025 to determine continued needs.

e. Activities

I. Grant Funds for Indigent Defense Coordinator:

- Trinity County plans to allocate grant funds to hire personnel to serve as the Indigent Defense Coordinator. This individual would likely be responsible for overseeing and managing various aspects of the county's indigent defense program.

II. Establish Responsibilities and Publish:

- Trinity County will define the responsibilities of the Indigent Defense Coordinator(s) and make this information publicly accessible on the Trinity County Courthouse website. This step aims to provide transparency and clarity

regarding the roles and duties associated with indigent defense services in the county.

III. Purchase Management Software:

- The county intends to use grant funds to acquire a management software service designed to streamline processes related to indigent defense appointments and payments. This software would also track compliance with the Fair Defense Act and enhance transparency within the indigent defense system.

IV. Develop Early Access Plan:

- Trinity County plans to develop a plan for early access to defense counsel for individuals in need. This might involve creating a flowchart for intake procedures and ensuring that counsel is appointed early in the legal process. The goal is to reduce jail costs and improve case management efficiency.

V. Software for Eligibility Determination:

- The management software system will assist in determining eligibility for the indigent defense program. By automating this process, it aims to reduce the time and effort required for individuals to provide necessary information and documentation for eligibility assessment.

Overall, these actions represent a comprehensive approach to improving the indigent defense system in Trinity County, focusing on personnel management, transparency, efficiency, and early access to legal counsel for individuals in need.

f. Evaluation

Here's a breakdown of the outlined timeline and responsibilities:

I. Identification of Indigent Defense Coordinator:

- By October 1, 2024, Trinity County will identify an Indigent Defense Coordinator with 100% completion.

II. Training for Indigent Defense Coordinator:

- By November 1, 2024, the Indigent Defense Coordinator will receive training for the Management System Software with 100% completion.

III. Quarterly Reports:

- Quarterly reports will be filed with the Grant Administrator to track intake and completion for progress in a timely manner on the following dates:
 - January 31, 2025
 - April 30, 2025
 - July 30, 2025
 - September 30, 2025

IV. Case File Management:

- As cases are closed, the files will be scanned and uploaded into the CMS system.
- The Coordinator will be responsible for:
 - Scanning files into the CMS system.
 - Generating monthly reports recorded and filed with the case log on the

This timeline and set of responsibilities provide clear guidelines for the implementation and management of the indigent defense coordinator program, ensuring accountability and progress tracking throughout the grant period.

g. Future Funding

Hiring of an Indigent Defense Coordinator will result in processing individuals and getting them a fair and timely defense program. This will also help reduce the rate and cost of housing individuals in county lock-up or having to transport to another county until magistrate. By saving money on housing inmates, the County will be able to continue to provide a Defense Coordinator.

Management System software will be a renewable subscription each year. Grant funds will be applied for multi-years, and then Trinity County will continue to support the program. The Management System will provide the county with a system of tracking and timely release thus saving the county funds.

h. Budget Narrative and Budget Form

I. Indigent Defense Coordinator Salary, Training, and Benefits:

- **Year 1:** The grant would cover an 80/20 split for the coordinator's salary and benefits.
- **Year 2:** The county would match 60/40 for salary and benefits.
- **Year 3:** The county would match 40/60 for salary and benefits.
- **Year 4:** The county would match 20/80 for salary and benefits.

This outlines a decreasing financial responsibility for the grant over the years, with the county gradually taking on a larger share.

II. Equipment: Management Software System:

- **Provider:** TechShare, LGC, a Texas Local Government Corporation.
- **Costs:**
 - **Initial Cost:** \$12,325 (50% covered by the grant).
 - **Travel Charges:** \$1,000 (only applicable in the first year).
 - **Annual Subscription Fee:** \$875.36 annually (prorated from the "go-live" month).

After the initial installation, travel charges would no longer be applicable. Additionally, the grant would include the annual subscription fee of \$875.00 for subsequent years.

This proposal seems well-structured, with a clear plan for financial responsibility over the multi-year grant period and a focus on acquiring necessary equipment to streamline operations and ensure compliance

Personnel Costs		\$55,195.00
FTE's	1.00	
Salary	\$36,497.00	
Fringe Benefits	\$18,698.00	
Travel and Training		\$2,000.00
Equipment		\$12,325.00
Supplies		\$500.00
Contract Services		\$876.00
Indirect		
Total		\$70,896.00
Required County Match		\$17,913.00
Total less County Match		\$52,983.00

Home

Wharton County

FY 2025 Sustainability Grant Request

Lower Colorado River Regional Public Defender's Office for Wharton and Matagorda Counties

	←-----Projected-----→			
	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$1,992,511	\$1,890,586	\$1,890,586	\$1,890,586
County Match	\$398,502	\$1,266,693	\$1,266,693	\$1,266,693
FY25 Grant Request	\$1,594,009	\$623,893	\$623,893	\$623,893
TIDC/County Share	80% / 20%	66.6% / 33.3%	66.6% / 33.3%	66.6% / 33.3%

Program Summary

Wharton and Matagorda Counties seek grant funding to establish the Lower Colorado River Regional Public Defender's Office (LCRRPDO) based on a TIDC Planning Study. The LCRRPDO would benefit both counties by offering quality representation for indigent defendants by providing a streamlined and effective service to process caseloads and has significant potential for cost savings in the strained County budgets. The two counties currently use an appointment wheel method, however the number of attorneys available on the wheel have decreased and there are few private practice attorneys in the region that are willing to accept indigent appointments. This has resulted in delayed due process and an increased financial burden on taxpayers and the counties. The LCRRPDO would be staffed by 13 FTEs, including a Chief Defender, a First Assistant Defender, 5 Felony Defenders, a Mixed Caseload Defender, a Misdemeanor Defender, an Investigator, a Social Worker, an Office Manager, a full time Support Staffer and a part-time Support Staffer.

Summary of External Grant Review Committee Comments

Recommendation:

Leave pending, consider at August meeting.

2025 Wharton County Improvement Grant Application Narrative
Lower Colorado River Regional Public Defender's Office for Wharton and Matagorda Counties
Rural Regional Public Defender Sustainability

a. Application Form

Counties Represented: **Matagorda, Wharton**

Fiscal Year: **2025**

State Payee Identification Number: **1-74-6002559-0**

Division To Administer Grant: **Wharton County**

Program Title: **Lower Colorado River Regional Public Defender's Office for Wharton and Matagorda Counties**

Requested Grant Amount: **\$1,992,511.00**

Authorized Official: **Phillip S. Spenrath**

Financial Officer: **Barbara A Starling**

Program Director: **Phillip S. Spenrath**

Mailing Address: **100 South Fulton, Suite 100; Wharton, TX 77488**

b. Introduction (Executive Summary)

Wharton and Matagorda Counties would like to implement the program as described in the attached TIDC planning study as modified for a two-county program, titled Lower Colorado River Regional Public Defender's Office (LCRRPDO). The LCRRPDO would be located in and administered by Wharton County, which will be the primary grant recipient. After meeting with County Officials, the two counties believe that this program can become a reality and benefit both counties by offering quality representation for Indigent Defendants by providing a streamlined and effective service to process caseloads, and with TIDC funding, has significant potential for cost savings in strained County budgets in our two County region. We are asking for a waiver to the three county grant requirement as Colorado County was originally going to apply with us and decided to opt out at the last minute. Wharton and Matagorda Counties are landlocked between a number of larger, already served, urban growth centers to the North and the pre-existing Victoria Cross Roads RPDO to the South. The Victoria RPDO has repeatedly denied our request to participate.

c. Problem Statement

Annually there are over 3,000 new felony and misdemeanor cases in the two counties combined. In the felony and misdemeanor cases, over 85% of the cases require indigent defense services. Both counties use an appointment "wheel" method to appoint private attorneys to qualified indigent cases; however, the number of attorneys on that "wheel" has dwindled down tremendously. There are fewer private practice attorneys in this region willing to accept criminal appointments. The local defense bar is overwhelmed with appointments which results in delayed due process and increased financial burdens on taxpayers as defendants are staying in jail longer, have more pre-trial hearings without dispositions and the defendants not seeing their attorney as often as they should. Most local defense attorneys also handle Fort Bend and Harris County cases which result in fewer appearances in our counties. Multiple settings create additional billing from attorneys rather than just accepting the fee schedule adopted by Wharton and Matagorda Counties. This impacts the counties' budgets as these are additional expenses not included in current budgets. Often the counties cover these overages by pulling funds from other budgeted accounts. This results in shortages in other budget areas.

d. Objectives

By creating and implementing the Lower Colorado River Regional Public Defender's Office, the two Counties in the region hope to improve the quality of defense by having appropriate caseloads with staff attorneys in the LCRRPDO, continually training those attorneys for improvement, and allowing their specific expertise to grow from only working and focusing on criminal defense cases. The LCRRPDO will create a smoother flow of the criminal justice process in our region, thus allowing cases to be heard and disposed of in a more efficient and timely manner.

The Lower Colorado River Regional Public Defender's Office (LCRRPDO) would be located in Wharton County and would provide services for Wharton and Matagorda Counties. There would be a total of thirteen and one half staff for this office. This would include a Chief Defender, one First Assistant Defender, five Felony Defenders, a Mixed Caseload Defender (.5 for felony and .5 for misdemeanor), a Misdemeanor Defender, an Investigator, a Social Worker/Caseworker, an Office Manager and 1.5 Support Staff. Wharton County will provide the office space needed and will work with the other county Judge to ensure they can provide adequate space for attorney/client meetings in their respective counties.

The LCRRPDO will strive to represent approximately 85% of the total non-capital indigent felony cases and 85% of the indigent misdemeanor cases, which according to our detailed study should total approximately 1200 cases per year for the LCRRPDO.

Both Counties in the region support this request by Resolution and are committed to ensuring that additional objectives are met which include:

- * Indigent clients will be represented by qualified attorneys and support staff
- * New clients will be contacted within a 24 hour window upon confirmation of indigent status
- * LCRRPDO attorneys will set up initial contact within 48 hours
- * LCRRPDO will seek release of clients who are unable to make bail and attempt to reduce the length of time a client is incarcerated during the pretrial phase when possible
- * LCRRPDO attorneys will be present at all phases of the pretrial hearing process
- * LCRRPDO will follow TIDC caseload guidelines and attempt to improve case outcomes
- * LCRRPDO will work with in-house staff such as the investigators and caseworker, to ensure an efficient and thorough plan of action for their client

e. Activities

During the start-up phase of this project, Wharton and Matagorda Counties will enter into an inter-local agreement to establish clear guidelines and budget expectations. An oversight board will be created using TIDC parameters, and upon establishment, the board will meet to draft a job description for the Chief Defender, advertise for the position, conduct interviews, and select the most qualified applicant. Once the Chief Defender is successfully hired, he/she will provide a plan of operation that will be presented to the oversight board and Commissioner's Court for approval. Each position within the LCRRPDO will have a job description created to establish appropriate hierarchy and adequate pay levels and those positions will be advertised. Interviews will be conducted to attain the best candidates for each position and once hired all new staff will begin training. With funds provided from the grant, Wharton County will purchase furniture, computers, software, and supplies needed for day-to-day operation of the office. All current indigent defense plans for all counties will need to be amended and modified to ensure that all involved courts refer appointments to the LCRRPDO as agreed.

The LCRRPDO will have ongoing activities, guidelines, and steps that will need to be taken on a continual basis in order to assure a commitment to an efficient and valuable asset to the counties it provides services to. Any new defendant who qualifies for services will meet with a LCRRPDO attorney within 48 hours of referral and will have representation in all phases of the pretrial process. The LCRRPDO staff will work closely with the Indigent Defense Coordinator to ensure that all currently jailed defendants who qualify for services are accounted for and receiving services. The LCRRPDO oversight board will meet quarterly to discuss any issues and take actions necessary to clear up deficiencies. The Chief Defender will have weekly meetings with staff attorneys to discuss caseload or any matter relating to meeting the needs of the client. Additionally, the Office Manager will meet with support staff on a weekly basis to discuss any matters as needed. All staff will be provided with training and education so that they may stay up to date with the best practices for their positions. All positions will receive annual performance evaluations conducted by the Chief Defender and the Office Manager that will provide valuable feedback to the employees.

f. Evaluation

The oversight board in conjunction with the Chief Defender will monitor program evaluation. The Chief Defender will handle required grant status reporting to TIDC and the Wharton County Auditor will handle all financial reporting as required by statute. The Chief Defender will provide information requested by the County Auditor to achieve timely completion of required expenditure reports.

The oversight board and the Chief Defender will work with the Wharton IT Department to ensure the proper software is purchased that will have the ability to track and maintain caseload information such as:

- * Type and number of cases
- * Attorney/client initial contact and future contacts
- * Bond information
- * Time incarcerated
- * Pre-trial information
- * Communication/offers from prosecuting attorneys
- * Notes for investigators/caseworkers
- * Experts and witnesses
- * Case dispositions

The LCRRPDO will monitor data and work with the administrative staff of both jails in order to monitor inmate populations, compliance with internal guidelines with regard to timeliness of case processing, and to provide data on cost effectiveness. Annually, the LCRRPDO will submit a report, approved by the oversight board to each Commissioners Court that documents the activities of the office to include costs, case dispositions, and such statistical information that the chief should include for each Court to be informed of successes and failures, benchmarks achieved, and future goals.

g. Future Funding

The LCRRPDO operations will depend upon TIDC's regional rural sustainability funding to be financially viable and cost effective for both Counties. The Counties intend for the defender's office to be a long term solution to providing

quality indigent defense.

As of 2024, the population of the Counties for the LCRRPDO are as follows:

- * Wharton County - 41,738
- * Matagorda County - 36,596

We are requesting a grant waiver to provide funding for a two county RPDO in place of the three county requirement due to the fact that Colorado County was originally interested but opted out; and Wharton and Matagorda Counties are landlocked between a number of larger, already served, urban counties to the North and existing five county RPDO to the South which has repeatedly refused our participation. To be clear, Wharton County has made several attempts to join the adjacent Victoria Cross Roads RPDO but continues to be denied.

In the event that the board does not grant our Rural Regional Public Defender Grant, Wharton and Matagorda Counties request the Board consider granting our RPDO a multi-year Grant.

The LCRRPDO will reduce conflicts with local attorneys and will make the defender's office viable for the region for many years to come.

h. Budget Narrative and Budget Form

The staffing levels and overall budget are based on TIDC's revised planning study for a two-county Rural Regional Public Defender's Office.

Personnel costs are anticipated to be \$1,814,461 which includes salary and fringe benefits.

Travel and training costs include mileage reimbursement, case investigation, professional dues for attorneys and staff as well as continuing education costs for all staff.

Equipment will include various one-time costs associated with start-up, estimated to be \$101,925. This includes items such as furniture (desks, chairs), computers, laptops, I-pads or tablets, Smart Phones, Microsoft Office software, printers, copy machine/scanner and fax machine. Many of these larger cost items will be considered capital assets and will be depreciated.

Supplies for operating expenses include consumable items such as pens, legal pads, copy paper, file folders, toner, notary stamps, notebooks, coffee maker.

Contract Services will include utilities and building maintenance. Also included are technology items such as telephone system, internet fees, and notary bonds, software and licenses for a case management system and experts. There will be property and liability insurance fees to be paid annually along with liability insurance for attorneys. Software upgrades as needed and other technology necessary to operate the RPDO.

Wharton County is not requesting any Indirect Costs in the grant budget.

There will be no rental costs incurred as Wharton County owns the building.

Personnel Costs		\$1,814,461.00
FTE's	13.50	
Salary	\$1,206,000.00	
Fringe Benefits	\$608,461.00	
Travel and Training		\$43,150.00
Equipment		\$101,925.00
Supplies		\$4,725.00
Contract Services		\$28,250.00
Indirect		\$0.00
Total		\$1,992,511.00
Required County Match		\$398,502.00
Total less County Match		\$1,594,009.00

**Revised Planning Study for Lower Colorado River Regional Public Defender Model serving
Wharton and Matagorda Counties**

Revised Staffing for Lower Colorado River Regional Public Defender's Office

Staff Position	Staffing Level	Salary	Total
Chief Defender	1.0	\$140,000	\$140,000
First Assistant Defender	1.0	\$120,000	\$120,000
Felony Defender	5.0	\$108,000	\$540,000
Mixed Caseload Defender (.5 Felony, .5 Misdemeanor)	1.0	\$95,500	\$95,500
Misdemeanor Defender	1.0	\$83,000	\$83,000
Investigator	1.0	\$55,000	\$55,000
Social Worker/Caseworker	1.0	\$50,000	\$50,000
Office Manager	1.0	\$61,000	\$61,000
Support Staff	1.5	\$41,000	\$61,500
Total Staff and Salaries	13.5		\$1,206,000
Fringe Benefits			\$608,461
Total Salaries and Benefits			\$1,814,461

**Share of LCRRPDO Cases and Expenses Based on Relative Share of Indigent
Defense Case**

Share of LCRRPDO Costs & Expenses Based on Relative Share of Indigent Defense Cases	
County	% of Cases
Wharton	56.26%
Matagorda	43.74%

Grant Funding and Cost Comparison under Sustainability Funding

The table below estimates the grant funds TIDC could provide to counties to establish and operate LCRRPDO. For counties under 100,000 population that establish a rural regional public defender office, TIDC provides 80% funding in the first year and 66% funding in year two and beyond.

Estimated TIDC Grants for Lower Colorado River Regional Public Defender's Office under Rural Regional Sustainability Funding

Grant Year	Percentage of Office Paid by TIDC Grants	Estimated Grant Amount
Year 1	80%	\$1,594,009
Year 2	66%	\$1,247,787
Year 3	66%	\$1,247,787
Total Over 3 Years		\$4,089,583

The following table describes the anticipated indigent defense costs to each county over the first three years and compares those costs to FY 2023 spending. The current indigent defense system cost for each of the counties is based on the following information:

All Counties: Cost Comparison to FY 2023 indigent defense expenditures

Wharton: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases plus a 150% increase in felony assigned counsel fees and \$496 per felony case disposed by assigned counsel per the revised fee schedule, file dated October 2023.¹

¹ Matagorda County adopted a revised fee schedule in August 2023. TIDC staff analyzed the difference between the old fee schedule and new schedule.

All Counties: Cost Comparison to FY 2023 indigent defense expenditures

Cost Comparison between FY 2023 Indigent Defense System and Proposed System with a Lower Colorado River County Regional Public Defender's Office (Rural Regional Sustainability Funding)

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1		\$1,992,511	\$1,594,009	\$398,502	\$749,866	\$0	\$1,148,368	\$1,322,251	-\$173,883
	Wharton	\$1,120,919	\$896,735	\$224,184	\$591,680	\$0	\$815,863	\$974,700	-\$506,388
	Matagorda	\$871,592	\$697,274	\$174,318	\$158,186	\$0	\$332,505	\$347,551	-\$15,046
Year 2		\$1,890,586	\$1,247,787	\$642,799	\$749,866	\$9,529	\$1,383,137	\$1,322,251	\$60,885
	Wharton	\$1,063,580	\$701,963	\$361,617	\$591,680	\$6,207	\$947,089	\$974,700	-\$27,611
	Matagorda	\$827,007	\$545,825	\$281,182	\$158,186	\$3,322	\$436,047	\$347,551	\$88,496
Year 3		\$1,890,586	\$1,247,787	\$642,799	\$749,866	\$18,870	\$1,373,796	\$1,322,251	\$51,544
	Wharton	\$1,063,580	\$701,963	\$361,617	\$591,680	\$9,945	\$943,352	\$974,700	-\$31,348
	Matagorda	\$827,007	\$545,825	\$281,182	\$158,186	\$8,925	\$430,444	\$347,551	\$82,893

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

TIDC staff estimated a 150% increase over FY 2023 felony assigned counsel fees for pleas and \$496 per felony case for out-of-court work based on the adopted fee schedule dated August 2023 (file date October 2023).

With the Public Defender's Office taking 85% of indigent felony cases and Assigned Counsel taking 15% of indigent felony cases

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	Estimated Increase + 2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1	Matagorda	\$871,592	\$697,274	\$174,318	\$203,764	\$0	\$378,082	\$209,864	\$168,218
Year 2	Matagorda	\$827,007	\$545,825	\$281,182	\$203,764	\$3,322	\$481,625	\$209,864	\$271,761
Year 3	Matagorda	\$827,007	\$545,825	\$281,182	\$203,764	\$8,925	\$476,021	\$209,864	\$266,158

In this cost estimate, non-capital felony assigned counsel fees are estimated to increase by \$131,255 when assigned counsel takes 15% of indigent felony cases.

With Assigned Counsel taking 100% of indigent felony cases (no Public Defender's Office)

Assigned Counties Counsel	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Estimated Cost with New Fee Schedule	NEW ID System 2023 Current System Cost	NEW ID System Compared to 2023 Spending	
Matagorda	\$646,127	\$0	\$646,127	\$347,551	\$298,576

Grant Funding and Cost Comparison under Standard Improvement Grant Funding

The table below estimates the grant funds TIDC could provide the counties to establish and operate LCRRPDO under regular improvement grant funding. Grant funding typically pays for 80% of first-year costs, reducing 20% each year in years two, three, and four. Over those four years, TIDC funding totals approximately 50% of the PDO's costs.

Estimated TIDC Grants for Lower Colorado River Regional Public Defender's Office under Regular Improvement Grant Funding

Grant Year	Percentage of Office Paid by TIDC Grants	Estimated Grant Amount
Year 1	80%	\$1,594,009
Year 2	60%	\$1,134,352
Year 3	40%	\$756,235
Year 4	20%	\$378,117
Total Over 4 Years		\$3,862,713

The following table describes the anticipated indigent defense costs to each county over the first three years and compares those costs to FY 2023 spending. The current indigent defense system cost for each of the counties is based on the following information:

All Counties: Cost Comparison to FY 2023 indigent defense expenditures

Wharton: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases plus a 150% increase in felony assigned counsel fees and \$496 per felony case disposed by assigned counsel per the revised fee schedule, file dated October 2023.²

² Matagorda County adopted a revised fee schedule in August 2023. TIDC staff analyzed the difference between the old fee schedule and new schedule.

All Counties: Cost Comparison to FY 2023 indigent defense expenditures

Cost Comparison between FY 2023 Indigent Defense System and Proposed System with a Lower Colorado River County Regional Public Defender's Office (Regular Improvement Grant Funding)

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1		\$1,992,511	\$1,594,009	\$398,502	\$749,866	\$0	\$1,148,368	\$1,322,251	-\$173,883
	Wharton	\$1,120,919	\$896,735	\$224,184	\$591,680	\$0	\$815,863	\$974,700	-\$158,837
	Matagorda	\$871,592	\$697,274	\$174,318	\$158,186	\$0	\$332,505	\$347,551	-\$15,046
Year 2		\$1,890,588	\$1,134,352	\$756,235	\$749,866	\$9,529	\$1,496,572	\$1,322,251	\$174,320
	Wharton	\$1,063,580	\$638,148	\$425,432	\$591,680	\$6,207	\$1,010,904	\$974,700	\$36,204
	Matagorda	\$827,007	\$496,204	\$330,803	\$158,186	\$3,322	\$485,668	\$347,551	\$138,116
Year 3		\$1,890,588	\$756,235	\$1,134,352	\$749,866	\$18,870	\$1,865,348	\$1,322,251	\$543,097
	Wharton	\$1,063,580	\$425,432	\$638,148	\$591,680	\$9,945	\$1,219,882	\$974,700	\$245,182
	Matagorda	\$827,007	\$330,803	\$496,204	\$158,186	\$8,925	\$645,466	\$347,551	\$297,915
Year 4		\$1,890,588	\$378,117	\$1,512,489	\$749,866	\$18,870	\$2,243,466	\$1,322,251	\$921,214
	Wharton	\$1,063,580	\$212,716	\$850,864	\$591,680	\$9,945	\$1,432,598	\$974,700	\$457,898
	Matagorda	\$827,007	\$165,401	\$661,606	\$158,186	\$8,925	\$810,867	\$347,551	\$463,316

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

TIDC staff estimated a 150% increase over FY 2023 felony assigned counsel fees for pleas and \$496 per felony case for out-of-court work based on the adopted fee schedule dated August 2023 (file date October 2023).

With the Public Defender's Office taking 85% of indigent felony cases and Assigned Counsel taking 15% of indigent felony cases

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1	Matagorda	\$871,592	\$697,274	\$174,318	\$203,764	\$0	\$378,082	\$347,551	\$30,531
Year 2	Matagorda	\$827,007	\$496,204	\$330,803	\$203,764	\$3,322	\$531,245	\$347,551	\$183,694
Year 3	Matagorda	\$827,007	\$330,803	\$496,204	\$203,764	\$8,925	\$691,043	\$347,551	\$343,492
Year 4	Matagorda	\$827,007	\$165,401	\$661,606	\$203,764	\$8,925	\$856,445	\$347,551	\$508,893

In this cost estimate, non-capital felony assigned counsel fees are estimated to increase by \$131,255 when assigned counsel takes 15% of indigent felony cases.

With Assigned Counsel taking 100% of indigent felony cases (no PDO)

Counties	Assigned Counsel	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Estimated Cost with New Fee Schedule	NEW ID System 2023 Current System Cost	Compared to 2023 Spending
Matagorda	\$646,127	\$0	\$646,127	\$347,551	\$298,576

Each county will pay for a percentage of the office's budget based on an interlocal agreement. Based on 2023 OCA case data, the model divides the cost to each county based on the county's relative share of cases that the public defender office would be taking.

The following table shows the estimated number (and type) of appointed cases that will originate and be disposed from each county, the estimated number (and type) of cases that will be handled by the LCRRPDO, and the estimated number of staff needed to handle the cases. Staffing estimates are based on the office following TIDC's Caseload Guidelines, which is a grant requirement.

It should be noted that our model formula resulted in partial employees in some positions. The Mixed Caseload Defender will carry a partial felony (.5) and partial misdemeanor (.5) caseload. The First Assistant Public Defender will carry a partial felony caseload (.3) while assisting the Chief Public Defender with supervision and other administrative duties.

Model: 85% of Cases Assigned to the Regional Public Defender's Office						
		Total	Misdemeanors Disposed	Non-Cap Felonies Disposed	Juvenile Paid	Appeals Paid
Total New Cases Added	-	3,148	1,738	1,344	66	-
Counties	-					
Wharton	-	2,133	1,217	866	50	-
Matagorda	-	1,015	521	478	16	-
% of Total Cases Added that are Indigent (Est. County Avg.)	-		25.00%	75.00%	100.00%	100.00%
Est. Total Indigent Defense Cases	-	1443	435	942	66	0
Wharton	-	857	304	502	50	0
Matagorda	-	586	130	440	16	0
% Going to Public Defender	-		85%	85%	0%	0%
Public Defender Cases	-	1,170	369	801	0	0
Cases to Assigned Counsel	-	272	65	141	66	0
Wharton	-	171	46	75	50	0
Matagorda	-	102	20	66	16	0
Staffing Calculations						
Public Defender Cases	-	1,170	369	801	0	0
Attorney Caseloads based on TIDC Weighted Caseload Study	-	-	239	138	200	31
Number of Attorneys Needed	-	7.3	1.55	5.80	0.00	0.00
Number of Investigators	-	1.0	0.22	0.83	0.00	0.00
Number of Caseworkers	-	1.0	0.22	0.83	0.00	0.00
Number of Office Support Staff	-	1.5	0.31	1.16	0.00	0.00

Salaries and Benefits

	Staff	Total Cost	Misdemeanor	Felony	Juvenile	Appeals
Total Staff	13.5	\$1,206,000	\$200,393	\$935,964	\$0	\$0
Chief Defender	1.0	\$140,000	\$20,000	\$100,000	\$0	\$0
First Assistant Defender	1.0	\$120,000	\$17,143	\$85,714	\$0	\$0
Felony Defender	5.0	\$540,000	-	\$540,000	-	-
Mixed Caseload Defender (.5 Felony, .5 Misdemeanor)	1.0	\$35,500	\$47,750	\$47,750	\$0	\$0
Misdemeanor Defender	1.0	\$83,000	\$83,000	-	-	-
Investigator	1.0	\$55,000	\$7,857	\$39,286	\$0	\$0
Social Worker/Caseworker	1.0	\$50,000	\$7,143	\$35,714	\$0	\$0
Office Manager	1.0	\$61,000	\$8,714	\$43,571	\$0	\$0
Support Staff	1.5	\$61,500	\$8,786	\$43,929	\$0	\$0
Fringe Benefits (We used 7.65% SS; 15.17% retirement; .06% unemployment; worker's compensation .1774% or .0591%; \$2/month disability; \$1086.98 per month medical insurance; \$3.69 per month life insurance; \$26.94 per month dental)		\$608,461	\$83,043	\$418,436	\$0	\$0

Other Expenditures

	Staff	Total	Misdemeanor	Felony	Juvenile	Appeals
Experts Budget	-	\$4,176	-	-	-	-
Operating Costs, Technology Per Year	-	\$6,750	-	-	-	-
Operating Costs, Supplies Per Year	-	\$4,725	-	-	-	-
Travel for Attorneys, Total	-	\$10,800	\$1,800	\$9,000	\$0	\$0
Travel for Investigators, Total	-	\$10,800	\$1,800	\$9,000	\$0	\$0
Travel for Social Workers, Total	-	\$10,800	\$1,800	\$9,000	\$0	\$0
Training for Attorneys, Total	-	\$9,000	-	-	-	-
Training for Investigators, Total	-	\$500	-	-	-	-
Training for Social Workers, Total	-	\$500	-	-	-	-
Training for Support Staff, Total	-	\$750	-	-	-	-
Total Rent and Utilities	-	\$10,125	-	-	-	-
Case Management System per Year	-	\$7,200	-	-	-	-
Estimated Total PD	-	\$1,890,586	\$294,842	\$1,381,401	\$0	\$0

Additional Year 1 Costs	
Estimated Total	\$101,925
Computers	\$41,850
Printers (6)	\$4,800
Desks & Chairs	\$10,800
Supplies, Startup	\$4,725
Case Management System Onboarding Costs	\$39,750

Estimated Total PD Cost w/ Year 1 Only Expenditures	\$1,992,511
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Planning Study

Lower Colorado River Regional Public Defender's
Office

April 23, 2024



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Got questions? TIDC is here to help.

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Executive Summary

The Texas Indigent Defense Commission (TIDC) funds, oversees, and improves public defense in Texas. TIDC's Improvement Team provides counties with planning studies to inform them about the costs, benefits, and decisions that need to be made to establish regional Public Defender's Offices.

Research and experience have shown that public defender offices can improve indigent defense quality, constitutional compliance, accountability, and budget predictability. They can also improve efficiency and reduce costs for other parts of the criminal justice system, including jail and court operations.

This planning study models a three-county regional Public Defender's Office (Lower Colorado River Regional Public Defender's Office, (LCRRPDO)) serving: (1) Wharton, (2) Colorado, and (3) Matagorda Counties. The decisions the counties need to make and the assumptions built into the model are described in the "Decisions and Assumptions" p. 6. We also make the following findings and recommendations:

- **Scope:** In the model, the office represents 85% of indigent misdemeanor, 85% of non-capital felony, 0% of juvenile, and 0% of appellate cases from each county.
- **Staff:** 14.5 staff (9 attorneys not including the Chief Public Defender) are recommended in the model (see "Staffing & Salaries," p. 7).
- **Salaries:** Our model assumes salary parity with the Crossroads Regional Public Defender's Office. Salaries largely appear competitive with other Public Defender's Offices in Texas ("Staffing & Salaries," p. 7).
- **Budget:** The model has an annual office budget of approximately \$2.07 million. ("Office Budget," p. 9).
- **Grants:** If three or more counties join together to form a regional public defender's office, they qualify for TIDC sustainability funding (80% in year 1; 66% in years 2 and beyond). ("State Funding," p. 11). With the proposed three member counties, TIDC grant funding over the first three years could equal approximately \$4.48 million. All grant funding is based on availability and a vote from TIDC's full board.
- **Cost Comparison:** With TIDC sustainability grants, starting in year 2 Wharton County will pay \$363,184, Colorado County will pay \$64,550, and Matagorda County will pay \$277,515 for the Public Defender's Office annually. Compared to FY 2023 indigent defense expenditures, the counties collectively save \$334,715 in the first year, if the office represents 85% of indigent defendants, with Wharton spending over \$759,000 less, Colorado spending over \$206,000 less, and Matagorda spending approximately \$30,000 more. (see "All Counties: Cost Comparison" table, p. 12). However, first-year costs assume the office will represent 85% of defendants whose cases are disposed in the first year of operation, which is unlikely due to the need to staff up the office. In year 3 and beyond, the Counties collectively would spend less; with Wharton spending \$29,000 less, Colorado spending \$173,000 less, and Matagorda spending approximately \$124,000 more than FY 2023 (see "All Counties: Cost Comparison" table, p. 12). However, spending estimates of the current system can be calculated in a variety of ways, resulting in different estimates of added costs or savings compared to the new public

defender system. Learn more about the cost analysis at (“Costs & Savings,” pp. 12-14). TIDC staff also created an estimate based on Matagorda’s recently increased felony fee schedule. With the Public Defender’s Office, Matagorda is estimated to spend \$124,936 more than FY 2023, however without the Public Defender’s Office, Matagorda is estimated to spend \$298,576 more than FY 2023.

- **Benefits:** The LCRRPDO can bring additional benefits to the courts and criminal justice system that have been seen with other Public Defender’s Offices: more reliable availability of attorneys; improved quality of representation; improved docket management and quicker case dispositions; and reduced jail populations, including persons with mental illness.

Background

In 2023 and early 2024, TIDC developed a planning study for a Public Defender's Office encompassing (1) Wharton, (2) Colorado, and (3) Matagorda. This study was developed at the request of Judge Phillip Spenrath and Judge Randy Clapp, who expressed interest in improving the quality of representation, saving money on jail beds, attracting attorneys to their county/region, increasing accountability and oversight of the defense function, improving court efficiency, increasing services to their mental health population, and accessing TIDC sustainability funding for rural regional defender programs. TIDC staff also consulted with Judge Seiferman, Judge Prause, Barbara Starling, and Cassie Ritter to create a model reflecting the region's needs.

TIDC staff created a model of the Public Defender's Office. In the model, the office represents 85% of indigent misdemeanor, 85% of non-capital felony, 0% of juvenile, and 0% of appellate cases from each county. The model shows how many attorneys and staff are necessary to handle a large percentage of the region's cases, according to our caseload guidelines.

Decision Points & Assumptions

Creating a Public Defender’s Office requires several key decisions. This section explains (1) key decision points, and (2) the assumptions built into the model below. Wherever possible, TIDC cites applicable laws, standards, or studies.

County Participation	Modeling for this regional Public Defender’s Office (PDO) is based on the following counties participating: (1) Wharton, (2) Colorado, and (3) Matagorda.
Governance and Leadership	Oversight Board: The PDO should have an oversight board charged with selecting a chief defender, setting policy, and developing a budget.
County Dept., Nonprofit Corp., or Local Gov’t Corp.	TIDC’s modeling and cost estimates assume the office will be a Wharton County department, but the counties need to decide which model best meets their needs and goals.
Caseloads	Maximum Attorney Caseloads: Attorneys will follow TIDC’s Caseload Guidelines and handle no more than 138 felony or 239 misdemeanor cases per year.
Case Composition	Proportion and Types of Cases: The model reflects an office representing: <ul style="list-style-type: none"> • 85% of indigent misdemeanor, • 85% of non-capital felony, • 0% of juvenile, and • 0% of appellate cases from each county.
Staffing, Salaries, and Benefits	Pay Levels: The modeled salaries are based on the salaries provided for Crossroads Regional Public Defender’s Office. Staffing Levels: Staffing ratios will follow national and state norms whenever possible. Benefits: The model assumes annual fringe benefits of 7.65% social security; 15.17% retirement; .06% unemployment; worker’s compensation .1774% (attorney) or .0591% (clerical); \$2/month disability; \$1086.98 per month medical insurance; \$3.69 per month life insurance; and \$28.94 per month dental.
Operations	Operating Expenses: ongoing utility costs of over \$11,000, assuming existing office space is sufficient to house all employees, and one-time start-up expenses of about \$106,175 for office equipment, furniture, supplies, and a case management system. The budget also includes expenses like travel, training, and experts. Office Locations: The model assumes there will be a main office in Wharton, TX.

Staffing & Salaries

Participating counties need to decide (a) salary levels of employees at the new Public Defender's Office, and (b) what positions the office will employ. National standards require pay and resource parity between the prosecution and defense functions.¹ Staffing levels are derived from the number of staff needed to handle appointed cases while complying with TIDC's Caseload Guidelines. Some attorneys will need to carry a caseload split between different types of cases. The model below assumes that public defender staff pay is based on the Crossroads Regional Public Defender's Office, which will be operating in neighboring counties.

Proposed Staffing Levels and Salaries of the Lower Colorado River Regional Public Defender's Office

Staff Position	Staffing Level	Salary	Total
Chief Defender	1.0	\$140,000	\$140,000
First Assistant Defender	1.0	\$120,000	\$120,000
Felony Defender	6.0	\$108,000	\$648,000
Misdemeanor Defender	2.0	\$83,000	\$166,000
Investigator	1.0	\$55,000	\$55,000
Social Worker/Caseworker	1.0	\$50,000	\$50,000
Office Manager	1.0	\$61,000	\$61,000
Support Staff	1.5	\$41,000	\$61,500
Total Staff and Salaries	14.5		\$1,301,500
Fringe Benefits			\$683,236
Total Salaries and Benefits			\$1,984,736

Salary Methodology

Chief Defender: Chief Public Defender Salary is \$140,000. District Attorneys are paid \$140,000 by the State (see H.B. 1 (86th Legislature), p. IV-33-34, and TEX. GOV'T CODE § 46.002).

First Assistant Defender: The salary (\$120,000) is based on Crossroads Regional Public Defender's Office salaries.

¹ See ABA Principle 2, American Bar Association, *Ten Principles of a Public Defense Delivery System* (2023) (hereinafter "ABA Ten Principles"). The Ten Principles are the leading national standards for designing an indigent defense system that delivers competent, effective representation.

Felony Defender: The salary (\$108,000) is based on Crossroads Regional Public Defender's Office salaries.

Misdemeanor Defender: The salary (\$83,000) is based on Crossroads Regional Public Defender's Office salaries.

Investigator: This salary (\$55,000) is based on Crossroads Regional Public Defender's Office salaries.

Social Worker/Caseworker: This salary (\$50,000) is based on Crossroads Regional Public Defender's Office salaries.

Office Manager: This salary (\$61,000) is based on Crossroads Regional Public Defender's Office salaries.

Information Technology Support: This position was not staffed to reduce costs. IT support will need to be provided by Wharton County.

Support Staff: This salary (\$41,000) is based on Crossroads Regional Public Defender's Office salaries.

Office Budget

The estimated annual cost to operate the three-county office is approximately \$2.07 million. Start-up costs are estimated at \$106,175. If the office is fully staffed and operational for all of the first year (which is highly unlikely), the first-year cost of the office would be receiving 80% funding for the office in year one and 66% funding in years two and beyond. Office operation costs vary widely across counties. The counties need to ensure parity with the Wharton District Attorney's Office operations budgets, to the extent applicable.

Proposed Staffing Levels and Salaries of the Lower Colorado River Regional Public Defender's Office

Salaries and Benefits						
	Staff	Total Cost	Misdemeanor	Felony	Juvenile	Appeals
Total Staff	14.5	\$1,301,500	\$287,875	\$1,013,625	\$0	\$0
Chief Defender	1.0	\$140,000	\$35,000	\$105,000	\$0	\$0
First Assistant Defender	1.0	\$120,000	\$30,000	\$90,000	\$0	\$0
Felony Defender	6.0	\$648,000	-	\$648,000	-	-
Misdemeanor Defender	2.0	\$166,000	\$166,000	-	-	-
Investigator	1.0	\$55,000	\$13,750	\$41,250	\$0	\$0
Social Worker/Caseworker	1.0	\$50,000	\$12,500	\$37,500	\$0	\$0
Office Manager	1.0	\$61,000	\$15,250	\$45,750	\$0	\$0
Support Staff	1.5	\$61,500	\$15,375	\$46,125	\$0	\$0
Fringe Benefits (We used 7.65% SS; 15.17% retirement; .06% unemployment; worker's compensation.1774% or .0591%; \$2/month disability; \$1086.98 per month medical insurance; \$3.63 per month life insurance; \$28.94 per month dental)		\$683,236	\$133,675	\$461,956	\$0	\$0
Other Expenditures						
	Staff	Total	Misdemeanor	Felony	Juvenile	Appeals
Experts Budget	-	\$4,176	-	-	-	-
Operating Costs, Technology Per Year	-	\$7,250	-	-	-	-
Operating Costs, Supplies Per Year	-	\$5,075	-	-	-	-
Travel for Attorneys, Total	-	\$14,400	\$3,600	\$10,800	\$0	\$0
Travel for Investigators, Total	-	\$14,400	\$3,600	\$10,800	\$0	\$0
Travel for Social Workers, Total	-	\$14,400	\$3,600	\$10,800	\$0	\$0
Training for Attorneys, Total	-	\$10,000	-	-	-	-
Training for Investigators, Total	-	\$500	-	-	-	-
Training for Social Workers, Total	-	\$500	-	-	-	-
Training for Support Staff, Total	-	\$750	-	-	-	-
Total Rent and Utilities	-	\$10,875	-	-	-	-
Case Management System per Year	-	\$7,200	-	-	-	-
Estimated Total PD	-	\$2,074,262	\$432,350	\$1,507,981	\$0	\$0

**Startup Costs and Total Estimated Cost of Office in Year One
Assuming Fully Staffed for Full Year**

Estimated Total		\$106,175
Computers		\$44,950
Printers (6)		\$4,800
Desks & Chairs		\$11,600
Supplies, Startup		\$5,075
Case Management System Onboarding Costs		\$39,750
Estimated Total PD Cost w/ Year 1 Only Expenditures		\$2,180,437

State Funding

TIDC's Improvement Grant Program helps counties establish public defense programs, like establishing Public Defender's Offices (PDO). Grant funding typically pays for 80% first year costs, reducing 20% each year in years two, three, and four. Over those four years, TIDC funding totals approximately 50% of the PDO's costs.

For counties under 100,000 population that establish a rural regional Public Defender's Office serving three or more counties, TIDC offers grant funding at 80% in the first year, and 66% funding in year two and beyond.

Grant funding is contingent on availability of funds, the recommendation of the grants review committee, and funding authorization by TIDC's Board. In addition to TIDC's Improvement Grant, the County would continue to receive formula grant funding reimbursing its other indigent defense expenditures.

Note: Totals may appear slightly off due to rounding.

Estimated Improvement Grant Awards for a Lower Colorado River Regional Public Defender's Office

Grant Year	Percentage of Office Paid by TIDC Grants	Estimated Grant Amount
Year 1	80%	\$1,744,350
Year 2	66%	\$1,369,013
Year 3	66%	\$1,369,013
Total Over 3 Years		\$4,482,375

Cost Comparison

This table estimates County indigent defense costs with a Public Defender's Office. It compares the current indigent defense system with the LCRRPDO, highlighting savings and costs. Some counties have additional costs in year 2, which are attributable, in part, to reduced formula grants because of significantly reduced expenses in year 1. Formula grants will increase in years 3 and beyond.

The current indigent defense system cost for each of the counties is based on the following information:

All Counties: Cost Comparison to FY2023 indigent defense expenditures

Wharton: Estimated assigned counsel costs based on FY2023 indigent defense cases

Colorado: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

Matagorda: Estimated assigned counsel costs based on FY2023 indigent defense cases plus a 150% increase in felony assigned counsel fees and \$496 per felony case disposed by assigned counsel per the revised fee schedule, file dated October 2023.²

Wharton and Colorado Counties are estimated to spend less money, while Matagorda County is estimated to spend more money with the new Public Defender's Office than under their existing systems based on FY 2023 indigent defense expenditures. It should be noted that while Matagorda County's costs will increase, the increase will be smaller with the modeled regional Public Defender's Office than the projected fiscal impact of Matagorda's increased felony fee schedule alone.³

² Matagorda County adopted a revised fee schedule in August 2023. TIDC staff analyzed the difference between the old fee schedule and new schedule.

³ TIDC staff utilized a conservative model based on the caseload delphi study to estimate out of court expenses, actual time spent by appointed counsel may result in higher expenses.

All Counties: Cost Comparison between FY 2023 Indigent Defense System and Proposed System with a Lower Colorado River County Regional Public Defender's Office

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1	Wharton	\$2,180,437	\$1,744,350	\$436,087	\$805,019	\$0	\$1,241,107	\$1,575,821	-\$334,715
	Colorado	\$1,122,866	\$898,293	\$224,573	\$591,680	\$0	\$816,253	\$974,700	-\$158,447
	Matagorda	\$199,572	\$159,658	\$39,914	\$7,116	\$0	\$47,031	\$253,570	-\$206,539
Year 2	Wharton	\$857,999	\$686,399	\$171,600	\$206,224	\$0	\$377,823	\$347,551	\$30,272
	Colorado	\$2,074,262	\$1,369,013	\$705,249	\$805,019	\$2,511	\$1,507,757	\$1,575,821	-\$68,064
	Matagorda	\$1,068,189	\$705,005	\$363,184	\$591,680	\$6,218	\$948,646	\$974,700	-\$26,054
Year 3	Wharton	\$189,854	\$125,304	\$64,550	\$7,116	-\$9,405	\$81,071	\$253,570	-\$172,499
	Colorado	\$816,219	\$538,705	\$277,515	\$206,224	\$5,698	\$478,040	\$347,551	\$130,489
	Matagorda	\$2,074,262	\$1,369,013	\$705,249	\$805,019	\$13,121	\$1,497,147	\$1,575,821	-\$78,674
Year 3	Wharton	\$1,068,189	\$705,005	\$363,184	\$591,680	\$9,987	\$944,876	\$974,700	-\$29,824
	Colorado	\$189,854	\$125,304	\$64,550	\$7,116	-\$8,117	\$79,784	\$253,570	-\$173,786
	Matagorda	\$816,219	\$538,705	\$277,515	\$206,224	\$11,251	\$472,487	\$347,551	\$124,936

Matagorda County: Cost Comparison adjusted for estimated impact of felony fee schedule changes

TIDC staff estimated a 150% increase over FY 2023 felony assigned counsel fees for pleas and \$496 per felony case for out-of-court work based on the adopted fee schedule dated August 2023 (file date October 2023).

With the Public Defender's Office taking 85% of indigent felony cases and Assigned Counsel taking 15% of indigent felony cases

Year	Counties	PD Office Costs by County	TIDC Grants for PD Office	County Portion of PD Office	Assigned Counsel + RPDO Costs	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Est. Cost for New ID System to the Counties	Estimated Increase + 2023 Cost of Current Indigent Defense System	New PD System Cost Compared to 2023 Spending
Year 1	Matagorda	\$857,999	\$686,399	\$171,600	\$203,764	\$0	\$375,364	\$209,864	\$165,500
Year 2	Matagorda	\$816,219	\$538,705	\$277,515	\$203,764	\$5,698	\$475,581	\$209,864	\$265,717
Year 3	Matagorda	\$816,219	\$538,705	\$277,515	\$203,764	\$11,251	\$470,027	\$209,864	\$260,163

In this cost estimate, non-capital felony assigned counsel fees are estimated to increase by \$131,255 when assigned counsel takes 15% of indigent felony cases.

With Assigned Counsel taking 100% of indigent felony cases (no Public Defender's Office)

Counties	Assigned Counsel	Net Change in TIDC Formula Grants (assume \$0 change in Y1)	Total Estimated Cost with New Fee Schedule	2023 Current System Cost	NEW ID System Compared to 2023 Spending
Matagorda	\$646,127	\$0	\$646,127	\$347,551	\$298,576

In this cost estimate, non-capital felony assigned counsel fees are estimated to increase by \$298,576 if assigned counsel receives 100% of indigent felony case appointments. Over the next

couple of years, formula grants would increase to reflect the increase in indigent defense expenditures.

The following table shows the estimated share of expenses for operating the LCRRPDO for each of the counties based on their relative share of indigent defense cases. For all counties, we assumed the felony appointment rate is the same as today. We assumed the misdemeanor appointment rate would be at least equal to the misdemeanor appointment rate for the region today (25%). If a county currently has a misdemeanor appointment rate below 25%, we raised it to 25% for purposes of estimating the number of cases originating from the county and the percentage share of LCRRPDO expenses the county would be responsible for. If a county has a higher misdemeanor appointment rate than 25% today, we assumed the misdemeanor appointment rate would remain the same.

Share of LCRRPDO Cases and Expenses Based on Relative Share of Indigent Defense Case

Share of LCRRPDO Costs & Expenses Based on Relative Share of Indigent Defense Cases	
County	% of Cases
Wharton	51.61%
Colorado	9.32%
Matagorda	39.06%

Staffing & Cases

Staffing estimates are based on the office following TIDC's Caseload Guidelines, which is a grant requirement. It should be noted that the model's calculations resulted in partial employees.

The First Assistant Defender would take a partial felony caseload (.2) while assisting the Chief Public Defender with supervision and other administrative duties. We rounded down the investigator and social worker positions by .2. The support staff positions were rounded down by .1 to create a part-time position.

The following table shows the estimated number (and type) of appointed cases that will originate and be disposed from each county, the estimated number (and type) of cases that will be handled by the LCRRPDO, and the estimated number of staff needed to handle the cases.

Model: 85% of Cases Assigned to the LCRRPDO						
	Total	Misdemeanors Disposed	Non-Cap Felonies Disposed	Juvenile Paid	Appeals Paid	
Total New Cases Added	-	3,637	2,015	1,548	74	-
Counties	-					
Wharton	-	2,133	1,217	866	50	-
Colorado	-	489	277	204	8	-
Matagorda	-	1,015	521	478	16	0
% of Total Cases Added that are Indigent (Est. County Avg.)	-		28.00%	61.00%	100.00%	100.00%
Est. Total Indigent Defense Cases	-	1,612	529	1,009	74	0
Wharton	-	857	304	502	50	0
Colorado	-	170	94	67	8	0
Matagorda	-	586	130	440	16	0
% Going to Public Defender	-		85%	85%	0%	0%
Public Defender Cases	-	1,307	449	858	0	0
Cases to Assigned Counsel	-	305	79	151	74	0
Wharton	-	171	46	75	50	0
Colorado	-	32	14	10	8	0
Matagorda	-	102	20	66	16	0
Staffing Calculations						
Public Defender	-	1,307	449	858	0	0
Attorney Caseloads based on TIDC Weighted Caseload Study	-		239	138	200	31
Number of Attorneys Needed	-	8.1	1.88	6.22	0.00	0.00
Number of Investigators	-	1.2	0.27	0.89	0.00	0.00
Number of Caseworkers	-	1.2	0.27	0.89	0.00	0.00
Number of Office Support Staff	-	1.6	0.38	1.24	0.00	0.00

Next Steps

The priority deadline to apply for a TIDC Improvement Grant was May 10, 2024, to be considered at the June Board Meeting. Depending on funding availability, applications may also be considered at the August Board meeting.

If three or more counties join together to form this office, they would qualify for TIDC sustainability funding (80% in year 1; 66% in years 2 and beyond). Funding is contingent on available funds and TIDC Board approval. The FY2025 Request for Applications (RFA) is available on TIDC's website here: <https://tidc.texas.gov/media/ddfhm4ho/fy2025-improvement-grant-rfa.pdf>

Wharton, as the lead county, needs to submit the application.

The Commissioners Courts of other Counties joining the office need to pass a resolution indicating their intent to join the proposed office and support for the application being submitted. The County's Commissioners Court also needs to pass a resolution (see Attachment A, p.11, of the RFA) authorizing the application.

Judges overseeing cases in the counties in which the regional Public Defender's Office will provide representation must sign a Judicial Cooperation Agreement (see Attachment B, p. 12, of the RFA) agreeing to use the Public Defender's Office in their courts.

Willacy County

FY 2025 Multi-Year Grant Request (Compliance Assistance, New)

Indigent Defense Coordinator

	<-----Projected----->			
	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$57,307	\$51,307	\$51,307	\$51,307
County Match	\$11,461	\$20,523	\$30,784	\$41,046
FY24 Grant Request	\$45,846	\$30,784	\$20,523	\$10,261
TIDC/County Share	80% / 20%	60% / 40%	40% / 60%	20% / 80%

Program Summary

Willacy County seeks grant funding to hire an Indigent Defense Coordinator (IDC) to improve their appointment process and compliance with the Fair Defense Act. This application originated in part from a TIDC Policy Monitoring report issued in December 2023.

In a 2023 monitoring review, TIDC found that only 19% of felony cases and 28% of misdemeanor cases were appointed counsel in a timely matter. A breakdown in gathering financial information occurs because screening does not occur near the time of the Article 15.17 hearing. If a defendant makes bail, the courts will not receive financial paperwork until the first court appearance in the trial court. The Texas Rio Grande Public Defender Office provided a staff person who periodically gathered financial information from inmates, but this did not occur on a daily basis.

Willacy County has decided to end its contract with Texas Rio Grande Public Defender office and restructure its front-end processes regarding screening and appointment. A dedicated IDC is necessary to put in place procedures to promptly gather financial affidavits from defendants and ensure timely determination of indigence and appointment in felony and misdemeanor cases.

Recommendation

Award an FY2025 Improvement Grant of \$45,846 to Willacy County for an Indigent Defense Coordinator position.

This grant request is in response to a TIDC Policy Monitoring follow-up visit and is specifically related to mission-critical needs in order to comply with requirements of the Fair Defense Act.

**2025 Willacy County Improvement Grant Application Narrative
Indigent Defense Coordinator
Multi-year**

a. Application Form

Counties Represented: **Willacy**

Fiscal Year: **2025**

State Payee Identification Number: **095107868**

Division To Administer Grant: **Willacy County Judge's Administration**

Program Title: **Indigent Defense Coordinator**

Requested Grant Amount: **\$57,307.00**

Authorized Official: **Aurelio Guerra**

Financial Officer: **Maria Del Carmen Maldonado**

Program Director: **Aurelio Guerra**

Mailing Address: **576 West Main Ave.; Raymondville; Raymondville, TX 78580**

b. Introduction (Executive Summary)

Willacy County received a Policy Monitoring Review from TIDC that detailed areas where Willacy County was out of compliance with some requirements of the Fair Defense Act. It was suggested by the staff of the TIDC office that Willacy County apply for assistance from TIDC to address the monitoring findings. Willacy County's goal is to hire a dedicated Indigent Defense Coordinator to help us effectively and efficiently process and manage the Court Appointed Attorney applications for the Indigent population to ensure that we can meet all timelines as laid out by the State.

c. Problem Statement

In a 2023 TIDC Policy Monitoring follow-up report, TIDC noted that many requests for counsel were not acted on promptly as required by the Fair Defense Act. Willacy County believes that hiring a dedicated Indigent Defense Coordinator to oversee the process of reviewing applications and appointing counsel will ensure compliance with the statutory timelines.

d. Objectives

The primary objective of this program is to help Willacy County to ensure that processes and procedures for requesting counsel, qualifying for counsel, and appointment of counsel conform with the requirements of the Fair Defense Act in Texas statute.

e. Activities

Willacy County will hire an Indigent Coordinator to ensure that we meet all the required program elements as stated in the FY 2024 Indigent Defense Improvement Grant Program Request for Application and that we improve the appointment process and compliance with all provisions of the Fair Defense Act.

Willacy County's IDC Program will meet all of the following Required Program Elements in its program:

- a) Must perform all appointments (in and out of court) as the designee of the judge or judges.
- b) Must maintain the rotation default system on assigned counsel systems and monitor the frequency and reasons of exception for off list appointments.
- c) Must report summary of appointment data to judges at least monthly.
- d) Must manage the graduated list of court appointed attorneys for judges and receive applications for advancements or adjustments as higher qualifications are met by attorneys.
- e) Must monitor appointment list and attorneys' completion of continuing legal education (CLE) to meet minimum requirements of local plan and Commission rules.
- f) Must review invoices submitted by attorneys and compare to appointment schedule prior to judicial approval.
- g) Perform training for law enforcement, magistrates, local bar, and other stakeholders on indigent defense plan(s) adopted by courts.
- h) Report directly to the judges (rural) or board of judges (mid-size or urban).
- i) Develop procedures to track attorney contact with client, which includes tracking, investigating, and reporting allegations of attorneys not meeting their clients within statutory or plan requirements.
- j) Must involve all courts in the jurisdiction.

f. Evaluation

The success of the program will be determined by the same metrics evaluated by TIDC's policy monitoring review, which are directly tied to statutory requirements regarding procedures and timelines for requesting counsel, having those requests ruled upon and making appointment within statutory timelines.

Willacy County will maintain records tracking compliance with the timelines, as well as monitoring attorney's CLE and client contact required under the statute and local indigent defense plan.

g. Future Funding

Willacy County understands that the TIDC grants for IDC positions provide 4 years of funding as follows:

- During the first year, the county match is 20%
- During the second year, the county match is 40%.
- During the third year, the county match is 60%
- During the fourth year, the county match is 80%

After the 4th year, the county will continue full funding of the position.

Willacy County understands that this position is not merely temporary for the duration of grant funding, but is a permanent position that is necessary to ensure compliance with statutory provisions for appointment of counsel.

h. Budget Narrative and Budget Form

Travel budget will allow for attendance at TIDC workshop and visits to other counties with IDCs for training. Equipment will include set-up for new staff member, including computer, desk, office chair, telephone, copier/scanner, etc. Supplies category includes anticipated direct operating costs, including office supplies, cell phone service, and other operational expenses.

Personnel Costs		\$48,807.00
FTE's	1.00	
Salary	\$35,000.00	
Fringe Benefits	\$13,807.00	
Travel and Training		\$500.00
Equipment		\$6,000.00
Supplies		\$2,000.00
Contract Services		\$0.00
Indirect		\$0.00
Total		\$57,307.00
Required County Match		\$11,461.00
Total less County Match		\$45,846.00

Capital Area Private Defender Service (CAPDS)

FY 2025 Multi-Year Grant Request

CAPDS Mitigation Resource Counsel Program

	◁-----Projected-----▷			
	Year 1	Year 2	Year 3	Year 4
Total Program Cost	\$274,380	\$274,380	\$274,380	\$274,380
FY25 Grant Request	\$274,380	\$274,380	\$274,380	\$274,380
TIDC/County Share	100% TIDC	100% TIDC	100% TIDC	100% TIDC

Program Summary

The Capital Area Private Defender Service (CAPDS) is requesting funding for the CAPDS Mitigation Resource Counsel (MRC) Program to be staffed by 2 experienced mitigation resource attorneys who will provide case-specific support and training to defense attorneys representing indigent clients in cases where the death penalty is not sought. Both the law and state bar require mitigation investigation and presentation of mitigation evidence in capital (non-death) murder and murder cases in Texas. It has been shown that diligent, individualized mitigation presentations informed by well-conducted investigations reduce the severity of sentences. The program will also provide general trainings and will create a manual specific to mitigation practices available to defense attorneys in any Texas county.

Recommendation:

Leave pending.

2025 Capital Area Private Defender Service (CAPDS) County Improvement Grant Application Narrative
CAPDS Mitigation Resource Counsel Program
Multi-year

a. Application Form

Counties Represented: **Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, DeWitt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala**

Fiscal Year: **2025**

State Payee Identification Number: **14718648414001**

Division To Administer Grant: **CAPDS**

Program Title: **CAPDS Mitigation Resource Counsel Program**

Requested Grant Amount: **\$274,380.00**

Authorized Official: **Bradley E Hargis**

Financial Officer:

Program Director: **Stacie Lieberman**

Mailing Address: **910 Lavaca Street; Austin, TX 78701**

b. Introduction (Executive Summary)

CAPDS proposes an innovative program to assist defense attorneys representing indigent clients in developing mitigation investigation plans and presentations in cases charged under Texas Penal Code sections 19.02 and 19.03 where the death penalty is not sought. This program will provide experienced mitigation resource attorneys who will provide individualized, case-specific support and training; will provide general trainings; and will create a manual specific to mitigation practice for this category of cases. This program would be open to defense attorneys in any county statewide.

c. Problem Statement

Despite substantial evidence that a thoroughly investigated mitigation presentation is crucial to securing a just sentence for a client, the use of robust mitigation presentations remains elusive for many defenders in non-death murder cases.

Excessive sentences in Texas are partially the result of the lack of a well-investigated and well-prepared mitigation presentation at sentencing. Texas Code of Criminal Procedure article 37.07 gives a wide canvas on which defense counsel can paint in sentencing, but few attorneys are taking advantage of it.

Mitigation includes any circumstance that significantly affects or affected the client's character and behavior and informs the prosecutor and factfinder why the circumstances underlying the offense occurred and why the client deserves a fair sentence. Mitigating evidence can include mental illness, cognitive dysfunction, childhood abuse, childhood exposure to violence, intellectual disability, medical conditions, side effects of medication, and the effects of poverty, racism, and misogyny.

Both the law and state bar require mitigation investigation and presentation of mitigation evidence in non-death murder cases in Texas. It has been shown that diligent individualized mitigation presentations informed by well-conducted investigations reduce the severity of sentences. Both data-driven and anecdotal evidence demonstrate that attorneys representing indigent clients are in need of mitigation resources. Texas attorneys and their indigent clients would benefit from available training and resources to teach the attorneys that mitigation is as important as guilt-innocence phase work in these cases.

We know that mitigation presentations can be extremely effective when they are based on thorough investigations because they are demonstratively beneficial to clients in other classes of murder cases. The presentation of mitigating evidence has become the successful centerpiece of murder cases in which the State seeks life without parole (JLWOP cases).^[1] Defense teams in both capital and JLWOP cases have observed that the presentation of mitigation evidence coupled with defense theories buttressed by thorough investigations led to fewer death and JLWOP sentences.^[2] Moreover, mitigation has been essential to non-capital felony cases in federal courts since 2005.^[3]

Mitigation investigation and presentation is part of the Sixth Amendment promise of effective representation in murder cases. See *Wiggins v. Smith*, 539 U.S. 510, 521-22 (2003) quoting *Strickland v. Washington*, 466 U.S. 668, 690-91 (1984). Defense counsel has an obligation, based on the ABA Standards for Criminal Justice, to conduct a thorough investigation of the defendant's background consistent with prevailing professional norms. *Wiggins*, 539 U.S. at 522 quoting *Williams v. Taylor*, 529 U.S. 362, 396 (2000). While *Wiggins* and *Williams* are death penalty cases, the underpinnings are equally applicable to non-death penalty murder cases. The Texas Court of Criminal Appeals has held that the Sixth Amendment promise of effective assistance of counsel laid out in *Strickland* applies to punishment investigation and presentation. *Hernandez v. State*, 988 S.W.2d 770 (Tex. Crim. App. 1999). A Texas attorney has a professional duty to present all available testimony and other evidence to support the defense of his or her client. *Ex parte Ybarra*, 629 S.W.2d 943, 948 (1982). A "thorough and complete investigation of the facts and law" relating to mitigation must be done before any decision about what to present or not in mitigation can be made on behalf of each individual client. *Ex parte Kunkel*, 852 S.W.2d 499, 506 (Tex. Crim. App. 1993).

Strickland held that guidelines such as the American Bar Association Standards for Criminal Justice -- Defense Function should be used as a guide to determine the prevailing professional norms:

- 1.) Beginning early in the representation and continuing throughout the case, counsel should consider potential issues that might affect sentencing, become familiar with the client's background, and consider whether consultation with an expert specializing in sentencing issues is appropriate;
- 2.) counsel is required to present all arguments or evidence which will assist the sentencer in reaching a favorable disposition for the client; and
- 3.) counsel must gather and present "as much mitigating information relevant to sentencing as reasonably possible".

Standard 4-8.3(a), (c), (d).

Individualized sentencing that includes consideration of a biopsychosocial life history presentation invites jurors to turn away from retribution and impose a sentence that aligns with a more rehabilitative approach. A biopsychosocial life history is a comprehensive portrait of an individual defendant that includes poverty and trauma history, racial discrimination, intellectual disability, and medical and mental health history. It also includes positive sentencing factors, such as education and employment history and family support that might make the defendant someone worthy of rehabilitation and eventual reintegration into the free world. An explanation of how a person will live on the other side of incarceration allows the sentencer to consider that despite circumstances such as mental illness and addiction, the person will not be a danger to society if eventually released. Each case warrants its own approach, tailored to each individual client and the circumstances of the offense.

In 2011, the State Bar published performance guidelines for non-criminal cases that include requirements for mitigation investigation and presentation. The performance guidelines:

require counsel to conduct an independent investigation that explores all avenues leading to facts relevant to penalty in the event of conviction;

instructs that expert assistance should be utilized to mitigate any punishment that may be assessed;

require counsel to develop a theory of the case that incorporates mitigating factors;

make clear that counsel must seeking and present all reasonably available mitigating and favorable information that is likely to benefit the client; and

create a duty to investigate the client's biopsychosocial history.[4]

According to the Annual Statistical Report for the Texas Judiciary (2022), there were 1,939 total active capital murder cases and 4,550 total active murder cases on district court dockets. Of those active cases, 9 capital murder cases and 42 murder cases resulted in acquittal. The death penalty was sought in 5 cases, resulting in two death sentences. Of the capital murder cases, the following sentences were imposed: prison (309), state jail (5), and probation/community supervision (1). Of the murder cases, the following sentences were imposed: prison (693), state jail (6), probation/community supervision (10), and other (2). **Because nearly all capital murder and murder charges result in convictions in Texas, mitigation should be treated co-equally with the guilt/innocence investigation and presentation by defense counsel.** According to the Annual Statistical Report for the Texas Judiciary (2022), the number of new capital murder cases rose for the third consecutive year. Since 2021, the number of capital murder convictions has risen 186% and is now the highest it has been since 1995. Only five of those convictions resulted in death sentences (1.5%). Homicide filings increased 57% in 2022 and 221% over five years. During the 2023 legislative session, SB 204, which prioritizes capital murder and murder cases on district court dockets, was passed and signed into law. Many counties have a backlog of pending capital murder and murder cases that have yet to be resolved, including Harris County, which saw a backlog of more than 1800 pending cases. This means that more capital murder and murder cases will be tried in Texas and attorneys will need mitigation resources in order to effectively advocate for their clients.

Data from the Texas Indigent Defense Commission shows that in 2022, 80% of defendants charged with violent felonies required appointed counsel, demonstrating that the vast majority of defendants in murder cases in Texas are indigent. Data likewise supports the notion that people of color and other historically underserved populations are more likely to be given harsher sentences. *See, g.,* [People Of Color Receive The Harshest Punishments, And The Disparities Are Growing - The Appeal](#); [Extreme Sentences Disproportionately Impact and Harm Black Women \(nbwji.org\)](#); [Racial Justice - End Mass Incarceration Now - The Sentencing Project](#). Latinos and African Americans historically account for a substantial percentage of inmates in Texas prisons. [Microsoft Word - JPISTUDYRACEPRISONTEXAS05.doc \(justicepolicy.org\)](#); [Texas profile | Prison Policy Initiative](#).

Evidence demonstrates that - despite a demonstrated need -- practice is not living up to the promise of the guidelines, harming indigent defendants in underserved populations. This is in large part because of two factors: (1) lack of available mitigation resources, and (2) non-capital defense lawyers often lack the training, experience, and expertise in effectively identifying key mitigation evidence and using that evidence to paint a compelling portrait of the defendant to use both at sentencing and during plea negotiations.

There are a number of pragmatic obstacles to adequate mitigation investigations and presentations in non-death cases. Defense attorneys have high caseloads and limited investigative resources; mitigation investigation is both time-consuming and expensive. These circumstances are made more complex by an increasing number of defendants. Non-capital attorneys working on non-death cases do not have access to funding for extensive teams like capital cases. The attorney is often the sole member of the defense team. Non-capital defense attorneys often lack the experience and education necessary to oversee and conduct a mitigation investigation and to cull the results into an effective presentation. Lawyers are typically not trained in skills necessary to oversee or conduct effective mitigation investigations, which differ in significant ways from guilt-innocence investigations. Law schools teach analytic and pragmatic thinking, while the investigation and presentation of a life story in the context of a meaningful interaction requires narrative thinking. While capital trainings are extensively devoted to mitigation and life history narrative development, trainings for non-capital attorneys are not.

While a variety of organizations offer a wide variety of helpful trainings, particularly a training on capital mitigation, this grant would create a robust resource for individualized, case-specific training and assistance for attorneys representing indigent clients in Texas. Further, it would create a resource manual specific to mitigation in these cases.

Anecdotal evidence from those on the ground demonstrates that practice is not consistent with the promise of the guidelines. Katherine Mayer, a mitigation specialist with more than 15 years of experience, has observed that attorneys working on these types of cases lack the education and resources necessary to conduct investigations and

make presentations consistent with the guidelines. Ms. Mayer has observed that this lack of education and resources is resulting in harsher sentences for indigent defendants.

CAPDS created a survey that was made available to the Texas defense bar through the Texas Criminal Defense Lawyers Association.^[5] More than 50 people responded, including at least one person from each judicial administrative district. Only 32% of respondents stated that their jurisdiction has available mitigation resources for non-death murder cases, and that number may be higher than reality due to the abundance of respondents from the Third Administrative Judicial Region (Travis County, where CAPDS provides some resources). Of the responses regarding what categories of resources are available, the information provided demonstrates a lack of individual consulting and training services. The information gleaned from the survey demonstrates that funding for mitigation resources is inconsistently provided across the state. Of the more than 50 respondents:

More than 90% responded that they would find individual mitigation consulting and coaching and training from experienced attorneys beneficial.

89% of respondents said they would find a related manual helpful.

More than 82% of respondents indicated that they were more likely than not to avail themselves of the type of program proposed.

85% of respondents stated that they would find the type of program proposed helpful to developing successful mitigation cases.

This is consistent with Ms. Mayer's observations. She believes that if such a program were available, it would bring indigent defense services in Texas closer to the expectations of the guidelines.

The mitigation resource counsel program CAPDS is proposing is a manageable, cost-effective model tailored to the needs of non-capital defense counsel in non-death murder cases that can be replicated to serve the entire state. Pragmatically, creation of this program benefits indigent clients and increases the likelihood that the methods and information shared and created by this program will become a staple of non-capital defense lawyers' practice.

[1] Elizabeth S. Vartkessian, Thea Posel, Anthony Ginez, Lela Hubbard, "When Justice Depends on It: The Need for Professional Standards for Mitigation Development in All Criminal Cases," *University of Baltimore Law Review*, Vol. 52 Issue 3 (May 1, 2023) at 452 *citing* *Miller v. Alabama*, 567 U.S. 460, 465 (2012) and *Montgomery v. Louisiana*, 577 U.S. 190, 212 (2016).

[2] *Id.*

[3] *Id.* at n. 14.

[4] [Performance Guidelines Non-Capital Criminal Defense Representation July 2011 \(texasbar.com\)](#).

[5] The results of this survey are attached.

d. Objectives

Increase the use and the quality of mitigation investigation and presentation in the defense of indigent clients charge with capital murder under Texas Penal Code 19.03 in which the death penalty is not sought and murder under Texas Penal Code 19.02 through a training, coaching, and resource model.

Leverage existing investigative resource to increase the quality of investigations for indigent client through proper attorney directed investigations and the skilled use of investigations in mitigation presentations.

Provide training specific to mitigation for indigent clients charge with capital murder under Texas Penal Code 19.03 in which the death penalty is not sought and murder under Texas Penal Code 19.02.

Provide a resource manual for any attorney working to improve the investigation and presentation of mitigation in non-death murder cases.

Assist in cultivating the partnerships between attorneys, investigators, and mitigation specialists in support of effective mitigation presentations in the defense of indigent clients.

Enhance the ethical and professional practice of law by supporting case practice in line with the prevailing professional norms.

Promote judicial efficiency and economy by offer an organized, informed, and streamlined approach to mitigation.

e. Activities

With this award, CAPDS would offer a mitigation resource counsel program (MRC) that will offer one-on-one case-specific mitigation coaching, training, and a resource manual to any defense attorney with a capital (non-death) murder or murder case at the trial, motion for new trial, or post-conviction stage. MRCs will not provide direct representation, but rather will guide and advise counsel in mitigation investigation and presentation consistent with or exceeding prevailing professional norms.

I. Proposed Activities.

One-on-one substantive case specific consulting (60%): The MRC's approach would include both general knowledge of how to conduct a thorough mitigation investigation and case-specific review and guidance during the investigation and presentation of mitigation evidence in the case. An MRC with significant experience leading capital mitigation investigations and presentations will offer as much guidance as the requesting attorney desires in developing and executing a plan for a thorough mitigation investigation and presentation to the prosecution, judge, or jury of the results of that investigation. The MRC can also assist in developing a cohesive theory of the case that includes frontloading mitigation evidence. The MRC will also be a resource for specific questions.

At the trial level, the MRC can assist in identifying paths of investigation to follow initially and throughout the pretrial investigation. At the motion for new trial and post-conviction levels, the MRC can assist in identifying additional paths of investigation to follow and paths of investigation that were not pursued by previous counsel.

Key aspects of mitigation investigation that the MRC can guide attorneys through include:

Gathering information from the client, including interview techniques to identify information that clients are typically reluctant to discuss including the client's support networks, the developmental and environmental context of the client's childhood including indications of a history of abuse, and markers of intellectual disability, cognitive impairment, or mental health issues.

Gathering information from the client's family, friends, and others (community faith leaders, teachers, neighbors, classmates, co-workers).

Collecting social history records and analyzing them for substantive information and additional leads.

Identifying experts to (1) assist in gathering information, analyzing records, and/or (2) conduct mental health and/or neurological testing.

Identifying funding opportunities for mitigation resources.

Key aspects of the mitigation presentation that the MRC can guide attorneys through include:

Identifying a cohesive theory of the case.

Identifying the structure and outline of an effective mitigation presentation.

For cases in the motion for new trial or post-conviction stage, a presentation of ineffectiveness of trial counsel for failure to investigate and present mitigation evidence.

Non-Substantive Assistance (5%): the MRCs will provide non-substantive assistance to legal teams including assistance with the identification of mitigation resources including investigators and experts, assistance identifying sources of life history information, a pleading databank, and assistance with complex and unusual issues that may arise during a mitigation investigation.

Training (15%): The MRC will develop and provide trainings to attorneys on how to conduct mitigation investigations and present mitigation evidence. These trainings will include presentations on working with mitigation

specialists and experts.

Development of resources (20%): The MRC will develop a guidance and resource manual to assist defense counsel in Texas in the investigation of a client's biopsychosocial history. This manual will include checklists to ensure a thorough mitigation investigation, model pleadings, and a how-to guide on the collection of life history information in Texas.

II. Implementation.

This program will be conducted in overlapping phases: administrative functions, identification, evaluation and assistance, and overarching deliverables. CAPDS expects that its mitigation resource counsel will have the resources to substantively assist on between 30-40 cases, act as a non-substantive resource for approximately 100 cases, provide one substantive training and nine "brown bag" trainings per year, and compile manual.

Phase One: Administrative Functions

This phase includes grant award acceptance, financial and programmatic setup, hiring processes, and agreed operating procedures, workflow, and project management structure. During this time, CAPDS will also release media to advertise the availability of the program as a resource, through press releases, social media, and advertising through professional associations (such as the Texas Criminal Defense Lawyers Association and the Austin Criminal Defense Lawyers Association). The program director will set up meetings with local defense organizations to provide education on the program and pitch it as an available resource. The timeline for completing the initial work is one month. Over the one-year period, CAPDS will revise expectations to meet requirements and demands.

Phase Two: Identification

During this phase, which will begin during Phase One, the MRCs will evaluate requests for substantive assistance to determine which cases would be the best candidates for such assistance and the manner in which the resources derived from the grant award can have the most meaningful impact. Some criteria to be used in the evaluation is the availability of mitigation or training resources in the county of the requestor, the economic availability of a mitigation resources, and service of clients in underserved populations. MRCs will also identify subject areas for trainings. This phase is expected to last for the duration of the grant period.

Phase Three: Evaluation and Assistance

During this phase, the MRCs will provide both substantive and non-substantive assistance to requesting legal teams.

Substantive assistance: the MRCs will provide substantive mitigation coaching to requesting legal teams. This substantive mitigation coaching will include:

- Development of a mitigation investigation plan;

- Development of a cohesive theory of the case;

- Assisting with the gathering of life history information including assistance with interviewing the client and other sources of information and collection of life history records;

- Evaluation of biopsychosocial history information;

- Identification of experts to provide assistance and testing (if needed); and

- Development of mitigation presentation.

Non-substantive assistance: The MRCs will provide non-substantive assistance to requesting legal teams, including but not limited to:

- Identification of mitigation resources including investigators and experts;

- Assistance identifying sources of life history information;

A pleading databank; and

Assistance with complex and usual issues that may arise during a mitigation investigation.

This phase may include travel to meet with defense teams and to attend court proceedings. This phase is expected to begin during Phase One and last through the duration of the grant period.

Phase Four: Overarching Deliverables

This phase will begin approximately one month into the grant period. This phase will include creation of a guidance and resource manual to assist defense counsel in Texas in the investigation of a client's biopsychosocial history in murder cases. This manual will include checklists to ensure a thorough mitigation investigation, model pleadings, and a how-to guide on the collection of life history information in Texas.

This phase will include planning and implementation of trainings.

This phase will last through the duration of the grant period.

III. Management and Staffing.

CAPDS has extensive experience managing grants and has the capacity to conduct the required managing, auditing, and monitoring. Key personnel have stood up and facilitated numerous projects, including local and federal grants supporting The Forensic Project, which is the most successful DNA review project in Texas, as well as the federal grant supporting the CAPDS Wrongful Conviction Project. In the last five years, the CAPDS post-conviction program has led to the exoneration of two people: Billy Faircloth [Billy Faircloth - National Registry of Exonerations \(umich.edu\)](#) and Lamarcus Turner [Lamarcus Turner - National Registry of Exonerations \(umich.edu\)](#). CAPDS will maintain high expectations for grant-funded personnel and will ensure that their required and preferred qualifications (and subsequent work) are in line with national guidelines and local expectations. The grant-funded MRCs will have a state license, several years of experience investigating and presenting mitigation evidence in murder cases, high quality research and writing skills, demonstrated commitment to ethical practice, familiarity with national and state indigent defense best practices, and the ability to function in a team environment. CAPDS will ensure compliance with grant requirements and special award conditions; process and pay invoices; collect biweekly timesheets for personnel working on this project; track expenditures and conduct required accounting and auditing; collect quarterly data provided by the team; and combine data and anecdotal information to file finance and programmatic reports. CAPDS will directly supervise the daily activities of grant-funded employees; ensure implementation of approved activities; and resolve any personnel issues.

The staff on this project will consist of two mitigation resource attorneys. The funding will account for 70% of the program director's time and 100% of a mitigation resource attorney's time.

Stacie Lieberman is the Director of Post-Conviction Programs at CAPDS and will serve as the program director. She has more than 15 years of post-conviction experience, including substantial experience leading mitigation investigations and making mitigation presentations in murder cases and was previously the Deputy Director of a state capital post-conviction office. Ms. Lieberman reports directly to Bradley Hargis, the Executive Director of CAPDS, who has spent his entire career improving the Travis County justice system through litigation and work with stakeholders including the Travis County District Attorney's Office and Travis County judiciary.

The (yet-to-be-selected) mitigation resource staff attorney will have substantive experience investigating and presenting mitigation evidence in Texas murder cases. The mitigation resource staff attorney will be supervised by Ms. Lieberman.

The mitigation resource attorneys will have access to information protected by the attorney-client and work product privileges, which will not be compromised by evaluation efforts, internal or external audits or through project requirements.

f. Evaluation

CAPDS will produce quarterly reports summarizing success metrics and documenting successes, challenges, and recommendations for future expansion of the mitigation resource counsel program across the state.

The following success metrics will be collected and reported:

Metrics of case consultations, both substantive and non-substantive, compared to projections

Number of criminal defense attorneys participating

Number of trainings held and number of attendees per training

Hours spent on development of the manual.

Qualitative responses from defense attorneys regarding the service.

g. Future Funding

CAPDS believes that ongoing funding may be required as this resource is developed, but hopes that long-term implementation could involve a collection of partnerships and county participation in this program as acceptance and understanding of robust mitigation increases in indigent defense.

h. Budget Narrative and Budget Form

This budget supports 1.7 FTEs working on this program. CAPDS will leverage existing funding to allow for part-time supervision of this program as well as to gain the experience of a highly experienced defender to support and direct the activities of one additional full-time attorney. The two attorneys will deliver the services outlined in the activities of this grant.

CAPDS estimates up to fifteen site visits per year may be necessary to train, support, and assist counsel in the preparation and presentation of mitigation materials. Each trip is estimated at up to \$1,000 to include possible airfare, hotels, and travel costs. While many trips would be one-day trips some trips could require overnight travel to communities outside of central Texas. In person work is required in some instances because of the inherent sensitive nature of some mitigation work, the effectiveness of in person investigation and preparation, and to foster team-based mitigation defenses.

As a non-profit, CAPDS does not have access to funds necessary to support this program on a reimbursement based model. CAPDS requests 25% of any grant award be advanced and all expenses billed against this advance and reimbursements through the duration of the grant.

Personnel Costs		\$247,755.00
FTE's	1.70	
Salary	\$189,072.00	
Fringe Benefits	\$58,683.00	
Travel and Training		\$19,250.00
Equipment		\$0.00
Supplies		\$4,500.00
Contract Services		\$2,875.00
Indirect		\$0.00
Total		\$274,380.00
Required County Match		\$0.00
Total less County Match		\$274,380.00