



Texas Indigent Defense Commission

**Annual Report for Fiscal Year 2020
(September 2019 – August 2020)**



Members:

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

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

Honorable John Whitmire, Houston, State Senator

Honorable Brandon Creighton, Conroe, State Senator

Honorable Nicole Collier, Fort Worth, State Representative

Honorable Reggie Smith, Sherman, State Representative

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

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

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

Honorable Richard Evans, Bandera, Bandera County Judge

Honorable Valerie Covey, Georgetown, Williamson County Commissioner

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

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

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Chair's Letter



June 1, 2021

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

Ladies and Gentlemen:

It is our privilege to submit this report regarding the state of indigent defense and accomplishments of the Texas Indigent Defense Commission (TIDC) in fiscal year 2020. During an unprecedented year for our court systems, TIDC and Texas counties developed new ways to uphold Texans' constitutional right to counsel in criminal cases. Twenty years on from the Fair Defense Act, we are continuing to improve processes and expand programs that deliver effective and efficient legal representation to people who cannot afford it.

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

Sincerely,

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

Sharon Keller
Chair, Texas Indigent Defense Commission

Message from the Director



This year was tough, but TIDC rose to the challenge. In 2020, TIDC responded to the pandemic, providing grants and training to counties transitioning to online courts. We continued to sustain and improve public defense in Texas by awarding \$26 million in Formula Grants and \$12.6 million in Improvement Grants. TIDC monitored 32 counties and collected data from all 254. We released a major publication on Texas public defender offices, as well as planning studies for new public defender offices and managed assigned counsel systems in 16 counties.

Our work is far from over, as courts reopen and trials resume. We look forward to a brighter 2021.

Sincerely,

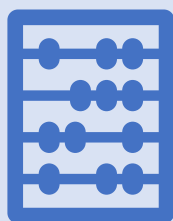
A handwritten signature in blue ink that reads "Geoffrey Burkhart". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Geoffrey Burkhart
Executive Director, Texas Indigent Defense Commission

Key Achievements in FY20

Awarded over \$35 million to counties to help provide public defense services.

Funding, p.10.



Monitored legal and financial processes in 32 counties to ensure compliance with state law.

Oversight, p.14.



Wrote 6 planning studies for new public defender offices and managed assigned counsel systems in 16 counties.

Improvement,
p.19.

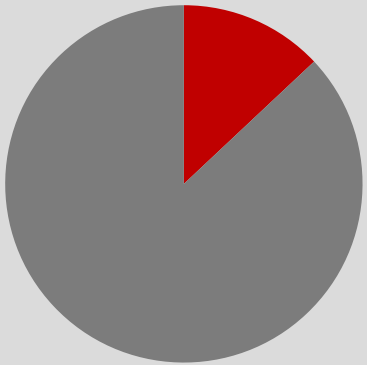


Launched new website and ACT Smart data portal: tidc.texas.gov.

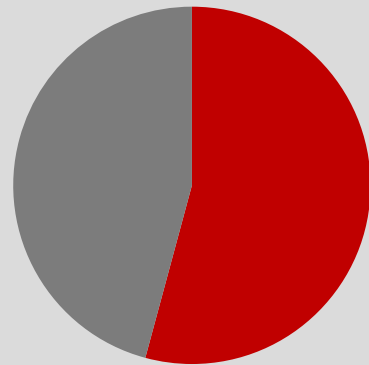


TIDC is improving indigent defense...

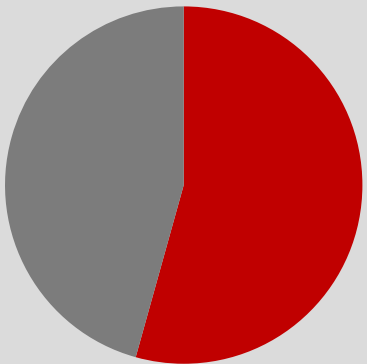
FY20 Data Snapshot



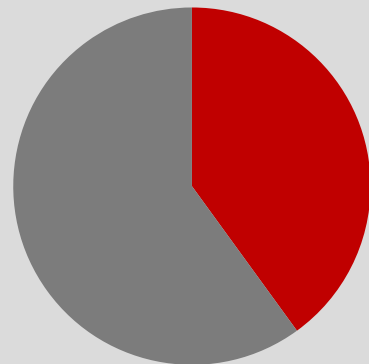
The state offset only **13%** of indigent defense costs (p.10).



Over **half** of misdemeanor cases in rural areas did not have counsel (p.17).



Most counties spent **\$0** on defense investigation (p.18).



40% of cases were handled by attorneys who exceeded TIDC caseload guidelines (p.18).

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



Budget

In June 2020, TIDC's board and staff met virtually to plan for the next fiscal year. Due to pandemic-induced budget reductions, TIDC had to cut its expenditures by 5% by suspending travel, freezing hiring, and cutting grant funding. For the FY22-23 biennium, TIDC sought restoration of these funds (about \$2.2 million per year) to ensure that Texas meets its constitutional duties. The funds will help address:

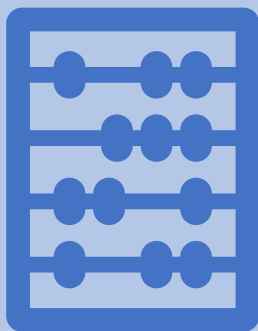
1. Increased demand for appointed counsel, due to increased unemployment caused by pandemic shutdowns
2. Increased jury trials in the next biennium, due to a backlog caused by pandemic court closures
3. Continued demand for accountable defender systems, due to persistent systemic shortfalls

Bills

In FY20, TIDC led a workgroup of over 40 stakeholders to develop legislative proposals for improving indigent defense. Ten proposals were approved by TIDC's board:

1. Appoint attorneys to investigate habeas corpus writs
2. Preserve magistration forms
3. Clarify duties of magistrates
4. Reimburse attorneys for distant client visits
5. Clarify duties of managed assigned counsel programs
6. Add members to TIDC's board
7. Shield confidential defense investigation of client finances
8. Allow for limited scope magistration appointments
9. Allow for part-time magistration public defenders
10. Clean up TIDC nonprofit funding authority

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



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

Indigent Defense Expenditures

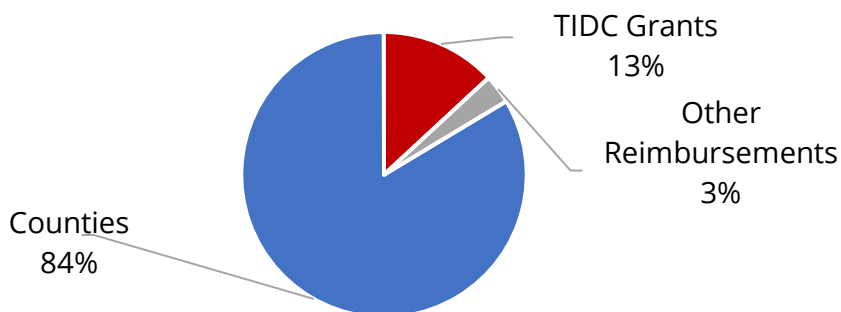
In FY20, Texas counties reported spending **\$268.5 million** on indigent defense, a 10.5% decline over 2019, attributable to disruptions in court operations during the COVID-19 pandemic. This was the first decline in indigent defense spending in 20 years.

TIDC disbursed **\$35,254,514** in indigent defense grants to counties, offsetting approximately 13% of county costs statewide. Pending grant award obligations total \$6,902,645.

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

- From defendants: \$8,682,864
- From the Texas Comptroller for writs of habeas corpus in death penalty cases: \$9,577
- From non-TIDC government funds: \$104,905

Chart 1. FY20 Indigent Defense Expenditures

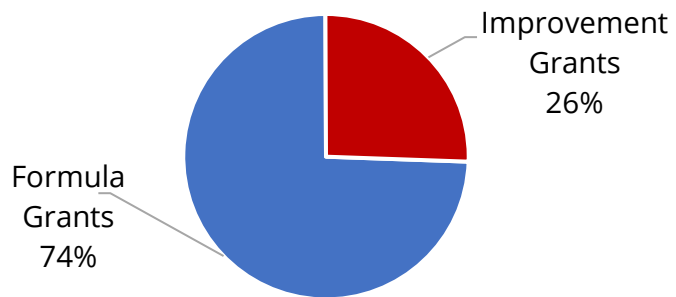


Formula Grants

Formula grants provide statewide support for indigent defense and are awarded annually to all qualifying counties. Amounts are based on a county's percentage of state population and indigent defense expenses. In FY20, TIDC awarded **\$26 million** in formula grants to 253 counties, representing 74% of total grants disbursed.

Formula grant disbursements for FY20 are listed in Appendix A.

Chart 2. FY20 TIDC Grant Disbursements



Improvement Grants

Improvement grants develop and sustain programs, encourage innovation, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY20, TIDC awarded 35 new or continuing program grants, totaling **\$12.9 million**. It has disbursed \$9.3 million so far, with an additional \$6.9 million pending award obligations.

Improvement grant awards for FY20 are listed in Appendix B, and disbursements are listed in Appendix C.

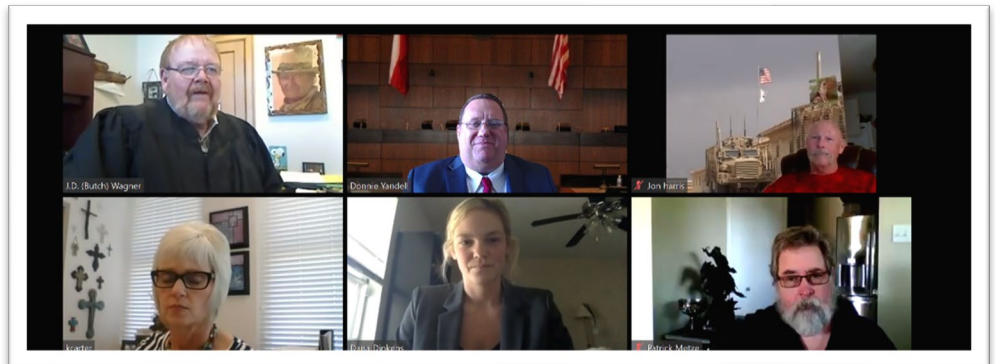
Improvement Grant Highlights

- **Regional Public Defender Offices**

TIDC provides sustainability funding covering 2/3 of counties' costs for participating in rural regional public defender programs, ensuring reliable access to quality counsel in these areas. In FY20, TIDC awarded **\$2.3 million** to non-capital regional defender offices and **\$4.2 million** to the Regional Public Defender Office (RPDO) for Capital Cases, which served 183 small- and mid-sized counties.

- **Mental Health Public Defense**

Last session, the Legislature directed TIDC to award **\$5 million** per biennium to mental health public defender offices. In FY20, TIDC awarded these grants to public defenders in Bexar, Dallas, El Paso, and Harris Counties, and to regional defenders based in Lavaca and Culberson Counties. These specialized programs identify clients' unmet mental health needs and advocate for outcomes that link them with services, treatment, and support that help them succeed in the community.



Caprock Regional Public Defender attorneys in Zoom court

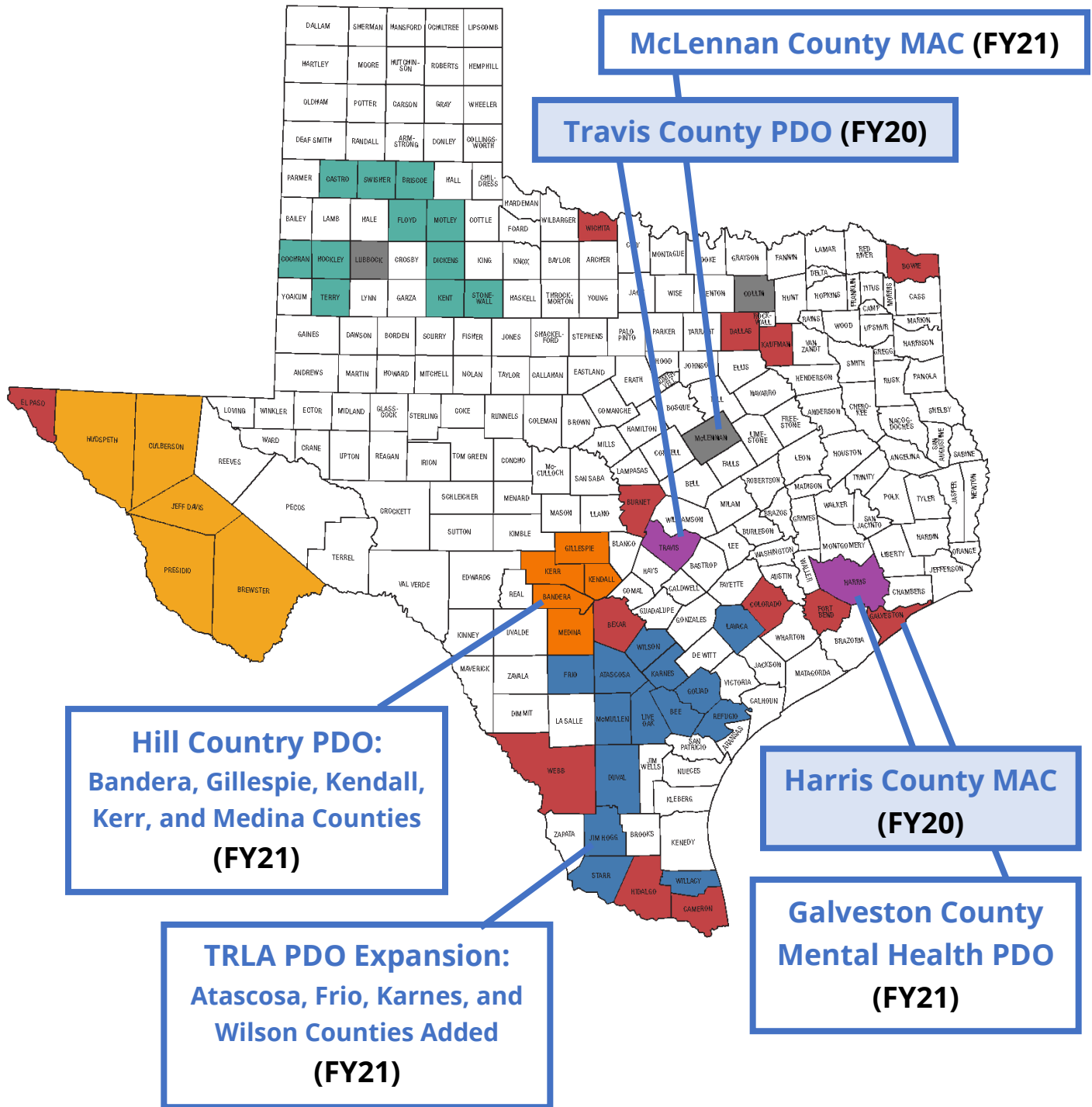
Innocence Project Contracts

TIDC funds innocence projects at six public law schools in Texas, providing up to **\$100,000** annually to each school. Law students work under attorney supervision to review actual innocence claims from Texas inmates. Reports are available on TIDC's website.

New Grant-Funded Programs

53 counties have public defender offices (PDO) or managed assigned counsel (MAC) programs. **13 counties** have new programs funded by TIDC grants (two funded by FY20 grants and 11 funded by FY21 grants awarded during FY20).

A full list of PDOs and MACs is at tidc.texas.gov/systems.





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

Figure 1. TIDC Oversight Model

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

Fiscal Monitoring

Indigent Defense Expenditure Reports

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

IDERs provide Texans with some of the best indigent defense data in the nation, driving indigent defense policy and funding decisions. Key trends from the IDER are on pages 17-18. Full reports are available at tidc.tamu.edu/public.net.

Fiscal Monitoring Reviews

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

In FY20, TIDC opened **11 fiscal monitoring reviews**. Reports are available at tidc.texas.gov/oversight/. Common findings included:

- Court and civil expenses were claimed as indigent defense expenses
- There was no written explanation for judges' variance from attorney payment requests
- Attorney payments did not follow the fee schedule

Table 1. FY20 Fiscal Monitoring Reviews Opened

On-Site Reviews		
	Dallas	
Follow Up-Visits		
	Harris	
Desk Reviews		
Irion	Moore	Kleberg
San Jacinto	Montgomery	Ellis
Navarro	Medina	Tom Green

Policy Monitoring

Indigent Defense Plans

Criminal court judges and juvenile boards are required by the Fair Defense Act to submit countywide indigent defense plans to TIDC each odd-numbered year. In FY20, TIDC continued its review of each county's plans, ensuring that they follow state statutes and rules for appointing counsel. Plans are available at tidc.tamu.edu/public.net.

Policy Monitoring Reviews

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

In FY20, TIDC shifted its reviews online, collecting records and observing court remotely. TIDC also began piloting attorney performance measures. It conducted **21 policy monitoring reviews** and issued 14 reports, available at tidc.texas.gov/oversight/. Common findings included:

- Defendants were not informed of the right to counsel
- Requests for counsel were not ruled on, or ruled on late
- Indigence was determined improperly

Table 2. FY20 Policy Monitoring Reviews in Progress

Full-Scope Reviews (covering six core FDA requirements)		
Jim Wells*	Montgomery	Parker*
Rusk*	Tarrant*	
Limited-Scope Reviews (covering some FDA requirements)		
Fisher*	Scurry*	
Follow-up Reviews (covering issues from previous review)		
Collin*	Childress*	Dawson*
Deaf Smith*	Gaines*	Harris
Jefferson*	Kleberg*	Waller*
Drop-in Reviews (informal review)		
Crosby	Hockley	Lynn
Terry	Yoakum	
* Report Issued		

TIDC also published a grant review of the public defender office in Starr, Duval, and Jim Hogg Counties.

Complaints

In FY20, TIDC received **101 complaints** related to local indigent defense practices. Of these, 54 indicated potential systemic issues and were factored into TIDC’s monitoring risk assessment. Common complaint allegations included:

- Attorneys were not speaking to clients
- Attorneys were not investigating cases or advocating for their clients
- Defendants were wrongfully convicted

Indigent Defense Appointment Trends

Chart 3. Estimated Appointment Rates

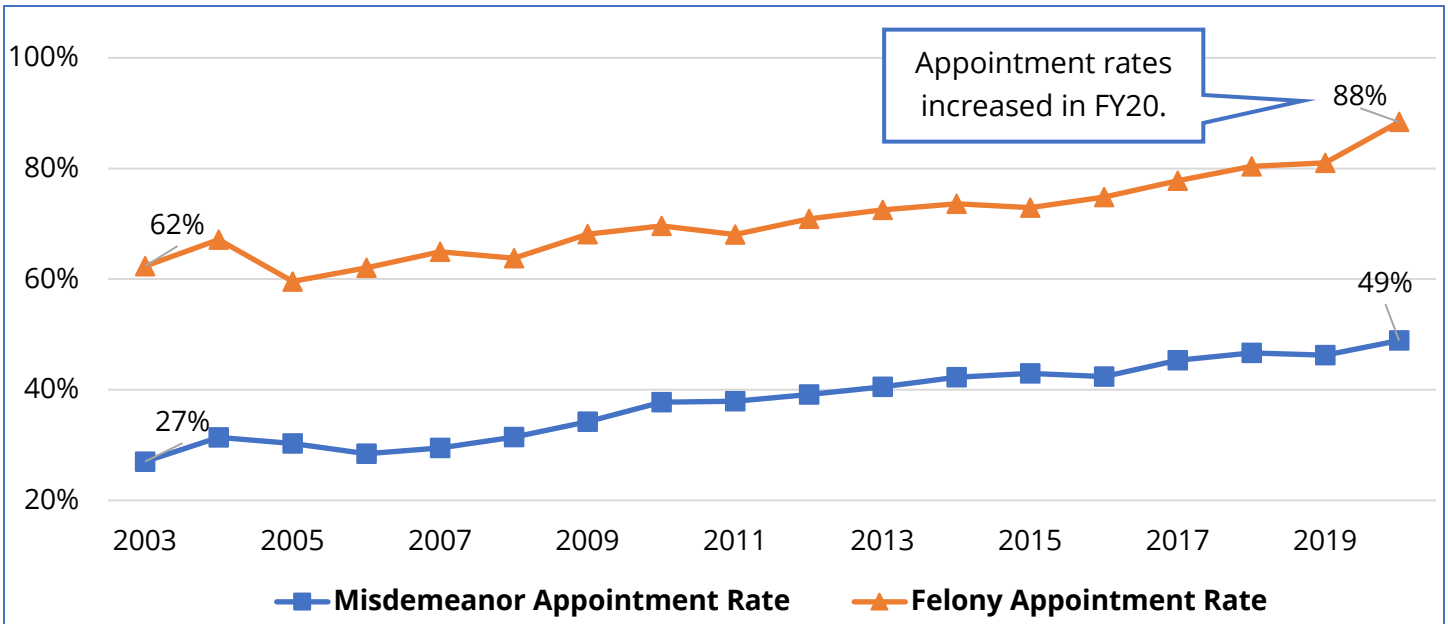
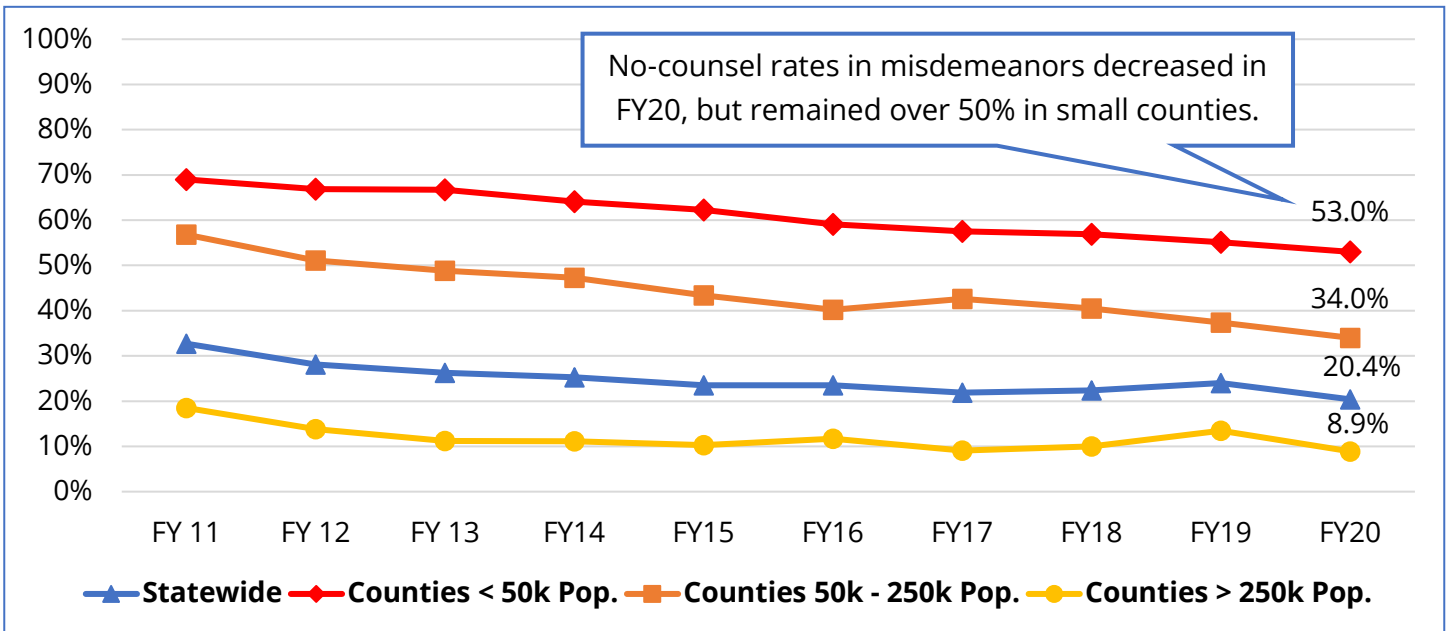


Chart 4. Estimated Misdemeanor No-Counsel Rates



FY20 Indigent Defense Caseloads

Under professional rules, attorneys must spend enough time on each case to perform their basic duties to clients. TIDC has published weighted caseload guidelines available at tidc.texas.gov/caseloads. In FY20:

- A total of 5,237 attorneys were reported to have been paid for one or more indigent defense cases. Of these, **558 attorneys** (11% of attorneys) had appointed caseloads above the guidelines. Attorneys with caseloads above the guidelines:
 - Handled appointed cases in **181 counties** (71% of counties).
 - Handled **40%** of appointed cases (135,678 cases).
- One attorney had caseloads greater than **5 times** the guidelines. Twenty-four attorneys had caseloads greater than **3 times** the guidelines.
- The median indigent defense caseload was **29%** of the guidelines.

The above counts do not include juvenile and capital defense cases, retained work, or civil appointments (like child protection). Attorneys are required by statute to report each year their estimated practice time dedicated to indigent defense. In FY20:

- **68%** of attorneys who were paid for indigent defense cases submitted the report.
- Adjusted for practice time estimates, **1,205 attorneys** had total caseloads (including retained and civil work) above the guidelines.

FY20 Indigent Defense Investigation

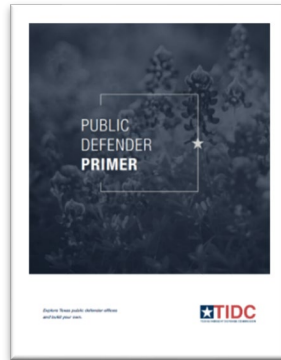
Under professional guidelines, attorneys should investigate the facts of their client's case. Recommendations for investigation time are in the Texas caseload guidelines at tidc.texas.gov/caseloads. In FY20:

- **138 counties** (54% of counties) statewide spent \$0 on investigators.
 - Most were small counties, under 50,000 population. **70%** of small counties (128 counties), spent \$0 on investigation.
 - Counties that spent \$0 on investigation had 7% of all indigent defense cases and 8% of the state's population.



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

Publications



In FY20, TIDC published the **Public Defender Primer**, a step-by-step guide to building an office, including program profiles, research findings, and grant guidance. The primer has generated interest in new programs in Texas counties and in other states.

Training

TIDC training and presentations were attended by over 3,700 people in FY20; the full list is in Appendix E. Highlights included:

- **Indigent Defense Workshop**, for county officials
- **Texas Roundtable on Representation of Defendants with Mental Illness**, for defense teams and judges
- **Online courts webinar series** for attorneys and courts



Texas chief defenders and national trainers

In FY20, TIDC received a federal Byrne Justice Assistance Grant (JAG) through the Governor’s Office, making it the first JAG project in Texas dedicated to indigent defense. TIDC is partnering with the Texas Criminal Defense Lawyers Association (TCDLA) and National Juvenile Defender Center to train and certify 18 attorneys in the **Juvenile Training Immersion Program (JTIP)**, and then train other attorneys around the state.

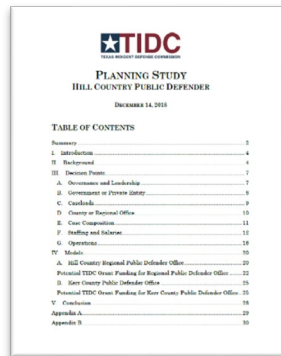
Mentorship



In FY20, TIDC selected its second class of 25 promising new criminal defense attorneys to receive mentorship and training through the **Future Indigent Defense Leaders (FIDL)** program. The attorneys are paired with a local mentor and receive nationally recognized Core 101 training from Gideon’s

Promise and the TCDLA. TIDC holds monthly roundtables with the mentoring pairs and funds the Harris County Public Defender’s Office to provide ongoing support.

Technical Assistance



TIDC advises counties on how to comply with the Fair Defense Act and build more effective indigent defense systems, by answering questions about data reporting, conducting site visits to assess local processes, and writing planning studies for new programs.

In FY20, TIDC **prepared six planning studies** for public defender offices or managed assigned counsel programs in 16 counties, including for the new Galveston Misdemeanor Mental Health Public Defender Office and 5-county Hill Country Regional Public Defender Office, which were awarded FY21 grants.

Appendix A: Formula Grant Disbursements

Table 3. FY20 Formula Grant Disbursements by County

Anderson	\$53,585	Cameron	\$278,099	Denton	\$530,708
Andrews	\$28,982	Camp	\$23,820	DeWitt	\$27,888
Angelina	\$66,544	Carson	\$20,645	Dickens	\$11,202
Aransas	\$33,784	Cass	\$37,087	Dimmit	\$18,671
Archer	\$19,924	Castro	\$0*	Donley	\$18,864
Armstrong	\$8,800	Chambers	\$51,656	Duval	\$23,224
Atascosa	\$54,429	Cherokee	\$45,475	Eastland	\$30,058
Austin	\$31,476	Childress	\$23,355	Ector	\$126,835
Bailey	\$21,425	Clay	\$20,576	Edwards	\$6,247
Bandera	\$27,755	Cochran	\$16,998	El Paso	\$896,515
Bastrop	\$81,150	Coke	\$9,899	Ellis	\$142,492
Baylor	\$18,315	Coleman	\$19,951	Erath	\$37,066
Bee	\$35,373	Collin	\$717,961	Falls	\$29,070
Bell	\$255,901	Collingsworth	\$16,714	Fannin	\$40,272
Bexar	\$1,391,698	Colorado	\$30,874	Fayette	\$30,531
Blanco	\$21,538	Comal	\$110,190	Fisher	\$12,481
Borden	\$1,000	Comanche	\$23,037	Floyd	\$17,682
Bosque	\$25,772	Concho	\$17,260	Foard	\$3,209
Bowie	\$85,689	Cooke	\$44,329	Fort Bend	\$617,731
Brazoria	\$267,144	Coryell	\$61,673	Franklin	\$21,319
Brazos	\$181,466	Cottle	\$16,768	Freestone	\$28,343
Brewster	\$24,701	Crane	\$17,677	Frio	\$27,274
Briscoe	\$1,800	Crockett	\$19,121	Gaines	\$25,550
Brooks	\$19,836	Crosby	\$14,381	Galveston	\$245,128
Brown	\$50,690	Culberson	\$16,456	Garza	\$18,503
Burleson	\$33,209	Dallam	\$19,812	Gillespie	\$32,217
Burnet	\$57,240	Dallas	\$2,535,095	Glasscock	\$3,150
Caldwell	\$30,363	Dawson	\$21,900	Goliad	\$19,444
Calhoun	\$29,513	Deaf Smith	\$30,085	Gonzales	\$29,696
Callahan	\$22,069	Delta	\$17,200	Gray	\$32,271

Grayson	\$106,360
Gregg	\$108,661
Grimes	\$36,607
Guadalupe	\$101,246
Hale	\$36,780
Hall	\$17,774
Hamilton	\$20,060
Hansford	\$18,188
Hardeman	\$18,511
Hardin	\$51,713
Harris	\$4,130,217
Harrison	\$63,494
Hartley	\$19,259
Haskell	\$19,052
Hays	\$154,991
Hemphill	\$17,611
Henderson	\$71,097
Hidalgo	\$664,502
Hill	\$41,626
Hockley	\$29,892
Hood	\$51,992
Hopkins	\$37,123
Houston	\$34,669
Howard	\$37,696
Hudspeth	\$17,689
Hunt	\$108,014
Hutchinson	\$31,906
Irion	\$4,426
Jack	\$21,494
Jackson	\$26,844
Jasper	\$37,943
Jeff Davis	\$16,581
Jefferson	\$168,918

Jim Hogg	\$18,327
Jim Wells	\$38,114
Johnson	\$121,148
Jones	\$0**
Karnes	\$26,514
Kaufman	\$109,851
Kendall	\$46,375
Kenedy	\$15,893
Kent	\$5,106
Kerr	\$61,559
Kimble	\$18,207
King	\$1,000
Kinney	\$16,687
Kleberg	\$39,607
Knox	\$12,967
La Salle	\$20,745
Lamar	\$50,760
Lamb	\$22,698
Lampasas	\$26,930
Lavaca	\$27,082
Lee	\$28,756
Leon	\$25,675
Liberty	\$67,871
Limestone	\$32,731
Lipscomb	\$15,300
Live Oak	\$23,852
Llano	\$29,192
Loving	\$6,248
Lubbock	\$286,519
Lynn	\$14,712
McCulloch	\$20,515
McLennan	\$240,648
McMullen	\$15,875

Madison	\$25,977
Marion	\$22,178
Martin	\$11,695
Mason	\$17,441
Matagorda	\$37,192
Maverick	\$38,103
Medina	\$51,598
Menard	\$16,534
Midland	\$145,891
Milam	\$32,872
Mills	\$18,462
Mitchell	\$20,267
Montague	\$27,706
Montgomery	\$492,678
Moore	\$34,150
Morris	\$23,150
Motley	\$4,684
Nacogdoches	\$52,506
Navarro	\$61,663
Newton	\$24,280
Nolan	\$31,693
Nueces	\$302,664
Ochiltree	\$22,268
Oldham	\$17,902
Orange	\$61,330
Palo Pinto	\$34,747
Panola	\$32,485
Parker	\$107,521
Parmer	\$20,431
Pecos	\$26,516
Polk	\$53,488
Potter	\$128,551
Presidio	\$18,578

Rains	\$21,782
Randall	\$114,640
Reagan	\$18,773
Real	\$15,955
Red River	\$24,160
Reeves	\$25,570
Refugio	\$21,485
Roberts	\$1,500
Robertson	\$31,420
Rockwall	\$85,234
Runnels	\$24,655
Rusk	\$41,501
Sabine	\$21,504
San Augustine	\$19,642
San Jacinto	\$31,433
San Patricio	\$57,851
San Saba	\$18,544
Schleicher	\$16,904
Scurry	\$21,425
Shackelford	\$9,785
Shelby	\$37,017
Sherman	\$17,195
Smith	\$164,983
Somervell	\$19,953
Starr	\$54,958

Stephens	\$20,945
Sterling	\$16,174
Stonewall	\$8,271
Sutton	\$17,928
Swisher	\$19,085
Tarrant	\$1,677,575
Taylor	\$134,295
Terrell	\$13,031
Terry	\$24,445
Throckmorton	\$14,943
Titus	\$31,702
Tom Green	\$141,845
Travis	\$1,058,268
Trinity	\$23,969
Tyler	\$29,802
Upshur	\$39,422
Upton	\$19,840
Uvalde	\$31,121
Val Verde	\$44,580
Van Zandt	\$54,609
Victoria	\$86,628
Walker	\$56,779
Waller	\$59,185
Ward	\$24,675
Washington	\$45,229

Webb	\$257,270
Wharton	\$45,769
Wheeler	\$20,214
Wichita	\$155,147
Wilbarger	\$24,098
Willacy	\$46,506
Williamson	\$364,545
Wilson	\$47,313
Winkler	\$21,181
Wise	\$59,763
Wood	\$21,996
Yoakum	\$20,569
Young	\$29,483
Zapata	\$18,225
Zavala	\$20,876
TOTAL	\$25,955,677

* Castro County was awarded \$19,131, but disbursements are held until the county files Court Activity Reports with the Office of Court Administration.

** Jones County was not eligible for formula funding in FY20 due to large reimbursement of inmate defense costs received from the State Comptroller

Appendix B: Improvement Grant Awards

Table 4. FY20 Improvement Grant Awards by Program Type

Statewide Rural Capital Defense Program		
Lubbock	Regional Public Defender for Capital Cases (181 Counties)	\$4,221,036
Rural Regional Public Defenders		
Bee	Regional Public Defender (5 counties) (Texas Rio Grande Legal Aid)	\$856,315
Culberson	Regional Public Defender (5 counties)	\$373,658
Goliad	Regional Public Defender (TRLA)	\$76,283
Lavaca	Regional Public Defender (TRLA)	\$142,063
Starr	Regional Public Defender (3 counties) (TRLA)	\$645,249
Texas Tech	Caprock Regional Public Defender Clinic (8 counties)	\$196,494
Public Defender Programs and Managed Assigned Counsel Programs		
Bowie	Public Defender Quality Improvement through Manageable Caseloads	\$140,000
Harris	Misdemeanor Managed Assigned Counsel Program (Part 2)	\$620,884
Travis	Public Defender Office + MAC Enhancements	\$868,402
Wichita	Public Defender Appellate/Bond Attorney Expansion	\$52,836
Specialized Defender Programs		
Bexar	Public Defender Mental Health Division Expansion	\$699,821
Culberson	Public Defender Mental Health Social Worker	\$139,623
Dallas	Transformational Justice: Emerging Adult Alternatives to Incarceration	\$80,042
Dallas	Public Defender Mental Health Division Expansion	\$587,784
El Paso	Public Defender Mental Health Advocacy and Litigation Unit	\$459,229
El Paso	Public Defender Representation at 48-Hour Bond Review Hearings	\$179,451
Fort Bend	Public Defender <i>Padilla</i> Compliance Attorney	\$99,207
Harris	Public Defender Mental Health Division Expansion	\$1,166,863
Lavaca	Public Defender Mental Health Social Worker	\$135,767
Travis	Mental Health Public Defender Limited Felony Expansion	\$112,501
Travis	Interdisciplinary Defense Program (Mental Health and <i>Padilla</i> Compliance)	\$59,076
Webb	Integrated Defense: <i>Padilla</i> Compliance and Mental Health Defender	\$116,005
Wichita	Public Defender Solutions-Based Alternatives to Incarceration	\$274,772
Williamson	Transformational Justice: Emerging Adult Alternatives to Incarceration	\$75,182

Indigent Defense Coordinators		
Hays	Indigent Defense Coordinator	\$67,446
Medina	Indigent Defense Coordinator	\$45,420
Navarro	Indigent Defense Coordinator	\$35,302
Technical Support and Process Improvement Programs		
Bee	Rural Regional Public Defender Organizational Evaluation	\$30,820
Bexar	Public Defender Mobile Tech for Pandemic Representation	\$5,000
Burnet	Videoconferencing for Remote Magistration	\$16,835
Hays	Defense Counsel at Magistration Pilot Project	\$136,500
Potter	Defense Counsel at Magistration Pilot Project	\$138,000
Wichita	Public Defender Mobile Technology	\$23,000
Extraordinary Grants		
Wharton	Extraordinary Capital Defense Expenses	\$40,000
	TOTAL FY20 Awards	\$12,916,866

Appendix C: Improvement Grant Disbursements

TIDC awards five types of improvement grants:

- **Competitive Improvement Grants** assist counties in implementing new programs or processes to improve the delivery of indigent defense services.
- **Sustainability Grants** support rural, regional public defender programs.
- **Extraordinary Grants** reimburse a county for extraordinary indigent defense costs.
- **Compliance Assistance Grants** assist counties with Fair Defense Act compliance.
- **Technical Support Grants** assist counties with indigent defense research and technology projects.

Table 5: Improvement Grant Investments from FY20 Funds

County	Program	Amount Disbursed	Pending FY20 Obligation
Competitive Improvement Grants			
Bexar	Public Defender Mental Health Division Expansion	\$101,317	\$598,504
Bowie	Public Defender Quality Representation through Manageable Caseloads	\$103,331	--
Burnet	Videoconferencing for Remote Magistration	\$11,315	--
Culberson	Public Defender Mental Health Social Worker	\$46,220	\$93,403
Dallas	Transformational Justice: Emerging Adults Alternatives to Incarceration	--	\$80,042
Dallas	Public Defender Mental Health Division Expansion	--	\$587,784
El Paso	Public Defender Representation at 48-Hour Bond Review	\$110,070	--
El Paso	Public Defender Mental Health Unit	\$405,264	--
Fort Bend	Public Defender Office	\$99,207	--
Hays	Indigent Defense Coordinator	\$51,820	--
Harris	Misdemeanor Managed Assigned Counsel Program (part 2)	--	\$620,884
Harris	Public Defender Mental Health Division Expansion	--	\$1,166,863
Lavaca	Public Defender Mental Health Social Worker	--	\$142,063
Medina	Indigent Defense Coordinator	\$42,952	--
Navarro	Indigent Defense Coordinator	\$23,210	--
Travis	Mental Health Public Defender Limited Felony Expansion	\$98,227	--
Travis	Holistic Defense Program	\$55,558	--

County	Program	Amount Disbursed	Pending FY20 Obligation
Travis	Public Defender Office + MAC Enhancement	\$195,665	\$672,737
Webb	Integrated Defense Mental Health/ <i>Padilla</i> Compliance	\$113,312	--
Wichita	Public Defender Appellate/Bond Attorney	\$52,836	--
Wichita	Public Defender Solutions-Based Alternatives to Incarceration	\$250,320	--
Wichita	Mobile Technology for Indigent Legal Services	\$17,059	--
Williamson	Transformational Justice Emerging Adults Alternatives to Incarceration Program	\$71,661	--
	Competitive Improvement Grants TOTAL	\$1,849,344	\$3,962,280
Sustainability Grants			
Lubbock	Regional Public Defender for Capital Cases (180 Counties)	\$4,221,036	
Bee	Regional Public Defender (5 counties)	\$856,315	
Culberson	Far West Texas Regional Public Defender Office (5 counties)	\$345,187	
Goliad	Regional Public Defender	\$76,283	
Lavaca	Regional Public Defender	\$142,063	
Starr	Regional Public Defender (3 counties)	\$645,249	
Texas Tech	Caprock Regional Public Defender (9 counties)	\$162,741	
	Sustainability Grants TOTAL	\$6,448,874	
Extraordinary Grants			
Wharton	Extraordinary Capital Defense Expenses	\$40,000	
	Extraordinary Grants TOTAL	\$40,000	
Compliance Assistance Grants			
	[None awarded in FY20]		
	Compliance Assistance Grants TOTAL	--	
Technical Support Grants			
Bee	Rural Regional Public Defender Organizational Evaluation	--	\$30,820
Bexar	Mobile Technology for Public Defender Pandemic Representation	\$4,577	--

County	Program	Amount Disbursed	Pending FY20 Obligation
Hays	Defense Counsel at Magistration Pilot Project	\$18,450	\$118,050
Potter	Defense Counsel at Magistration Pilot Project	--	\$138,000
	Technical Support Grants TOTAL	\$23,027	\$286,870
	All Improvement Grant Types TOTAL	\$8,361,245	\$4,249,150

Table 6: FY20 Disbursements for Grant Award Obligations from Previous Budget Years

County	Award Year	Program	Amount Disbursed	Pending Obligation
Bexar	FY19	Indigent Defense System Research & Evaluation	\$76,054	--
Dallas	FY19	Transformational Justice	\$277,774	\$46,396
Ellis	FY19	Indigent Defense Coordinator + TechShare Implementation	\$8,603	--
Harris	FY19	DNA Mixture Review Statewide Assistance Project	\$26,331	--
Harris	FY19	Statewide Indigent Defense Mentoring & Leadership Development Program Cohort 2	--	\$496,125
Harris	FY19	Misdemeanor Managed Assigned Counsel Program Part 1	--	\$1,551,971
Hays	FY19	Statewide <i>Padilla</i> Compliance Program	\$27,610	\$315,110
Lubbock	FY19	Private Defender Program Case Management Improvements	\$36,578	--
Navarro	FY19	Indigent Defense Coordinator	\$7,696	--
Stephens	FY19	Extraordinary Capital Defense Expenses	\$7,500	\$28,500
Travis	FY19	Mental Health Public Defender Limited Felony Expansion	\$50,914	--
Williamson	FY19	Transformational Justice	\$258,487	--
El Paso	FY18	Indigent Defense System Evaluation	\$70,000	--
Harris	FY18	Statewide Indigent Defense Mentoring and Leadership Development Program Cohort 1	\$108,005	\$215,393
		TOTAL	\$955,552	\$2,653,495

Table 7: FY20 Disbursements for Innocence Program Contracts

Law School	FY20 Contract Amount	FY20 Amount Disbursed	Contract Amount Carryforward to FY21
Texas A&M University	\$100,000	\$67,125	\$32,875
Texas Southern University	\$100,000	--	\$100,000
Texas Tech University	\$100,000	\$65,963	\$34,037
The University of Houston	\$100,000	\$84,925	\$15,075
The University of North Texas - Dallas	\$100,000	\$41,876	\$58,124
The University of Texas	\$100,000	\$94,353	\$5,647
TOTAL	\$600,000	\$354,242	\$245,758

Appendix D: Operating Budget

In FY20, TIDC expended a total of **\$35,443,730**. \$1,268,916, or **3.6%** of the total amount, was expended for administrative costs for 12 staff and 13 commission members.

Table 8: FY20 TIDC Operating Budget

Budget Category	FY20 Expended	FY19 Expended
Salaries & Wages	\$1,086,290	\$897,977
Other Personnel Costs	\$13,280	\$86,245
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$237	\$2,488
Consumables	\$1,269	\$942
Utilities	\$2,041	\$1,723
Travel	\$18,313	\$41,398
Rent-Building	\$75	\$757
Rent-Machine and Other	\$2,402	\$2,341
Other Operating Expenses*	\$154,257	\$232,989
Innocence Projects	\$354,243	\$500,216
Grants	\$34,100,528	\$28,498,787
Total Expended	\$35,734,989	\$30,267,917
Method of Finance Category	FY20 Method of Finance	FY19 Method of Finance
Court Costs	\$29,018,786	\$34,354,656
Surety Bond Fees	\$1,635,109	\$1,929,558
State Bar Fees	\$2,238,438	\$2,394,568
Juror Pay Court Costs	\$5,926,967	\$5,947,699
Total Fund 5073, Fair Defense Account	\$38,819,300	\$44,626,481
Fund 0001, General Revenue	--	\$3,750,071
CJD Grant	\$11,302	--
Total Revenue	\$38,830,602	\$48,376,552
FY 2018 Carryforward	--	\$1,177,394
FY2019 Carryforward	\$9,525,351	--
FY2020 Carryforward	(\$3,744,927)	--
CJD Grant	(\$11,302)	--
FY19 Grant/Innocence Project Obligations	(\$2,623,444)	(\$3,351,123)
FY20 Grant/Innocent Project Obligations	(\$4,046,317)	--
Revenue above Appropriation Cap	--	(\$14,087,070)
Office of Capital and Forensic Writs & Benefits**	(\$1,937,393)	(\$1,615,134)
TIDC Benefits	(\$257,581)	(\$232,702)
Total Method of Finance	\$35,734,989	\$30,267,917

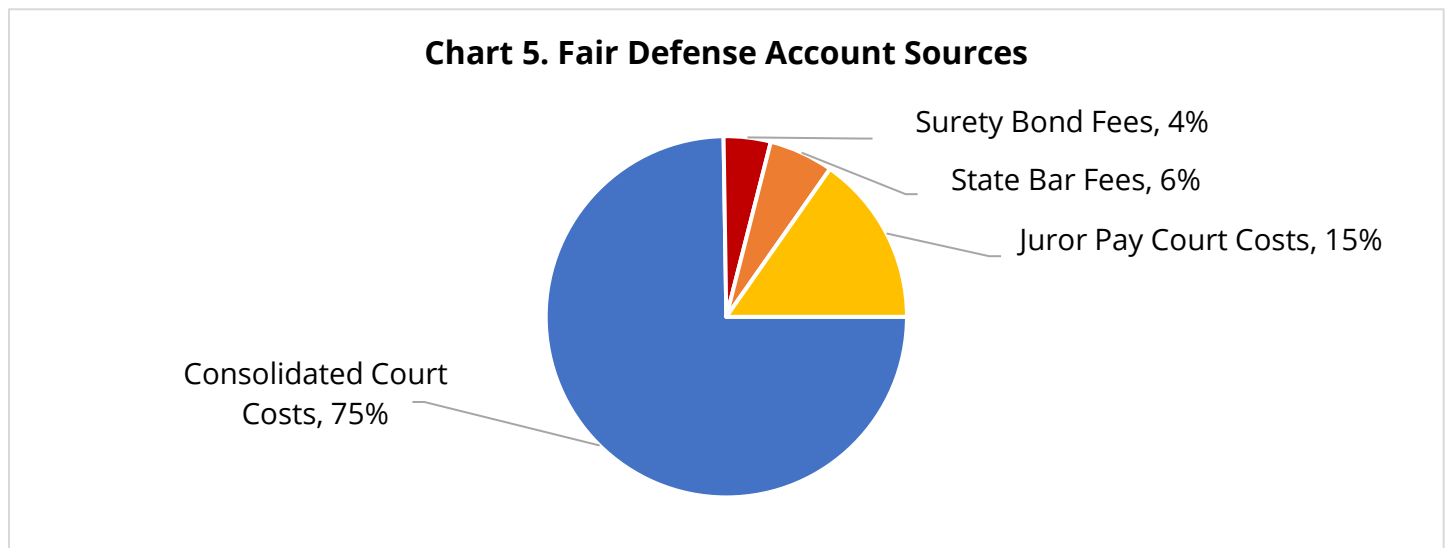
* Includes \$100,754 to Texas A&M for maintenance of TIDC's reporting database and special projects.

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

Appendix E: Method of Finance

In FY20, TIDC was funded primarily from the GR-Dedicated **Fair Defense Account** (Fund 5073). Funds accrue to the Fair Defense Account from the following sources:

- **Consolidated Court Costs:** Defendants pay Consolidated Court Costs upon conviction for a range of offenses from fine-only misdemeanors to felonies.
- **Juror Pay Court Costs:** Part of defendants' consolidated court costs reimburse counties for juror pay. The remainder of this fund in excess of \$10 million is transferred to the Fair Defense Account at year's end.
- **State Bar Fees:** The State Bar of Texas assesses a \$65 fee as part of each attorney's annual bar dues. Half of the proceeds are allocated to the Fair Defense Account.
- **Surety Bond Fees:** Defendants pay a \$15 fee when posting a surety bond. One-third of the fee goes to the Fair Defense Account.



Court cost collections have steadily declined in recent years, reducing inflows to the Fair Defense Account. COVID-19 accelerated these trends: FY20 revenue was \$10 million short of appropriations. Revenue in the previous biennium, however, exceeded appropriations by \$28 million, making the fund balance sufficient to absorb FY20's shortfall.

If pre-pandemic trends continue, TIDC's method of finance will not keep pace with current levels of appropriation. TIDC monitoring, however, indicates that most counties still require significant improvements and increased investment to comply with the Fair Defense Act.

Appendix F: Training and Presentations

2019

September

- **Indigent Defense in Rural Texas: Problems & Solutions (and Money for Solutions)**, at the Rural Association for Court Administration 22nd Annual Education Conference, in Corpus Christi
- **Writing Workshop**, at the Office of Court Administration, in Austin
- **Indigent Defense Funding Opportunities for Rural Counties**, at the 97th Annual County Judges and Commissioners Association of Texas Conference, in Galveston

October

- **National Association for Public Defense Executive Leadership Institute**, at Texas Capitol, in Austin
- **Introduction to TIDC Grant Funding and Fiscal Reporting**, at the Texas Association of Counties Fall Conference, in Horseshoe Bay
- **IDER Training Session**, in Hidalgo County
- **Presentation to Students**, at University of Texas at Austin Criminal Justice Conference
- **IDER Training Session**, in Colorado County
- **Managed Assigned Counsel Program Proposal**, at the Harris County Criminal Lawyers Association Board Meeting
- **Past, Present, and Future of Texas Public Defense**, at the Travis County Public Defender Oversight Board Meeting

November

- **Third Texas Roundtable on Representation of Defendants with Mental Illness**, in San Marcos

2020

January

- **Indigent Defense Workshop**, at the Texas Association of Counties Conference Center, in Austin
- **Effective Magistration and Indigent Defense Practices**, at Starr County Courthouse

February

- **Magistration and Bail**, at Travis County Commissioners Court
- **Mental Health Public Defenders**, at Galveston County Court House
- **Presentation to Students**, at University of Texas at Austin Law School
- **Indigent Defense Nuts and Bolts**, at Texas Center for the Judiciary Criminal Justice Conference, in Austin

March

- **Presentation on Hill Country Public Defender Office**, in Kerr County
- **Presentation to Commissioners**, at Travis County Commissioners Court

After TIDC began working remotely in March, all presentations were virtual.

April

- **Webinar Series on Online Courts:**
 - Online Courts and the Law
 - Early Adopters: Online Courts in Practice
 - Tools You Need for Working Virtually in the New Age
 - Padilla in the Age of Online Courts
 - Online Courts: One Month In

May

- **Webinar Series on Online Courts:**
 - Introduction to Online Courts: How to Protect Your Client's Rights
 - Client-Centeredness in the Age of COVID-19
- **Future Indigent Defense Leaders (FIDL) Town Hall**
- **Role of Public Defenders Presentation Preparation Webinar**

June

- **National Association for Public Defense Town Hall**
- **The Role of Public Defenders Hearing**, for the President's Commission on Law Enforcement and the Administration of Justice
- **Presentation to Committee Members**, State Bar Legal Services to the Poor in Criminal Matters Committee
- **FIDL Bar Exam Discussion**, with mentees
- **Presentation to Harris County Commissioners Court**

- **Hays County Public Defender Proposal**, with local stakeholders
- **Surviving a Tough Job Market**, Panel Presentation for DePaul University Law Students
- **FIDL Kickoff Event**, with mentors and mentees
- **TRLA Public Defense**, with Willacy County stakeholders
- **El Paso Public Defender Study**, with local officials

July

- **Hays County Public Defender Proposal**, with local stakeholders
- **Texas Chief Public Defenders - Summer Meeting**
- **FIDL Lunchtime Roundtable Series**, with mentors and mentees
- **Williamson County Young Adult Defense Program**, with local stakeholders
- **Harris County District Courts Conference Call**
- **TRLA Public Defense**, with Willacy County stakeholders

August

- **FIDL Mentors Meeting**
- **FIDL Lunchtime Roundtable Series**, with mentors and mentees
- **Potter County Public Defender Proposal**, with local stakeholders
- **Galveston County Public Defender Proposal**, with local stakeholders

