



Texas Indigent Defense Commission

**Annual Report for Fiscal Year 2021
(September 2020 – August 2021)**



Members:

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

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

Honorable Nicole Collier, Fort Worth, State Representative

Honorable Valerie Covey, Georgetown, Williamson County Commissioner

Honorable Brandon Creighton, Conroe, State Senator

Honorable Richard Evans, Bandera, Bandera County Judge

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

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

Honorable Andrew Murr, Kerrville, State Representative

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

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

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

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Edwin Colfax, Director of Grant Funding

Debra Stewart, Fiscal Monitor

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www.tidc.texas.gov

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

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Chair's Letter



August 10, 2022

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 2021. TIDC and Texas counties continue to develop new ways to uphold Texans' constitutional right to counsel in criminal cases amidst COVID-19. 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.

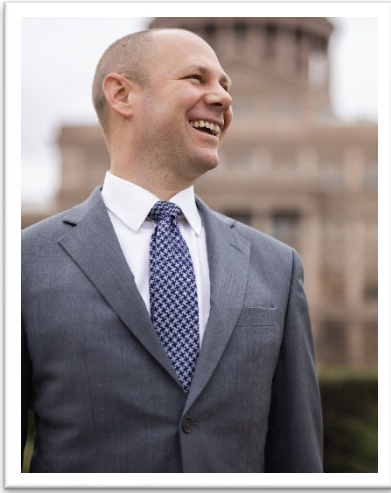
The ongoing support of the Governor and Legislature are critical to our success. We appreciate all you do to support TIDC.

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



In 2021, TIDC continued to respond to the pandemic, providing grants and training to Texas counties. We sustained and improved public defense in Texas by awarding \$21.8 million in Formula Grants and \$11.3 million in Improvement Grants. TIDC monitored 13 counties and collected data from all 254. We also collected data and local rules for child protective services representation for the first time in Texas history. Additionally, TIDC worked with state and local officials to provide representation to individuals arrested in connection with Operation Lone Star.

As in-person trials resume and courts begin to chip away at case backlogs, our work is far from over. We look forward to a brighter 2022.

Sincerely,

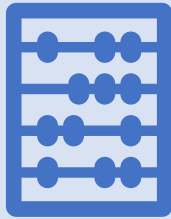
A handwritten signature in blue ink that reads "Geoff Burkhart". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Geoff Burkhart
Executive Director, Texas Indigent Defense Commission

Key Achievements in FY21

Awarded over \$50.7 million to counties to help provide public defense services.

Funding, p. 10.



Monitored legal and fiscal processes in 12 counties to ensure compliance with state law.

Oversight, p. 14.



Seven counties have new programs funded by TIDC grants during FY21.

New Grant-Funded Programs, p. 13.

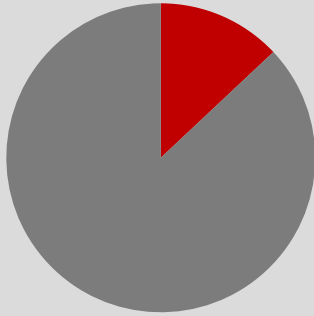


Launched new child protection services indigent defense appointment data and plan reporting.

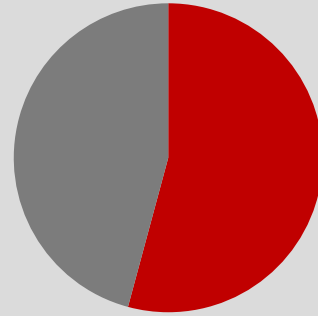


TIDC is improving indigent defense.

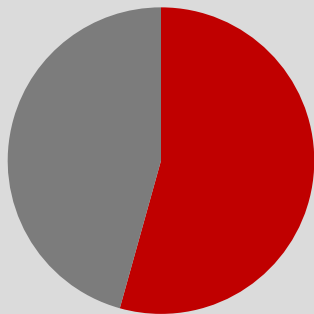
FY21 Data Snapshot



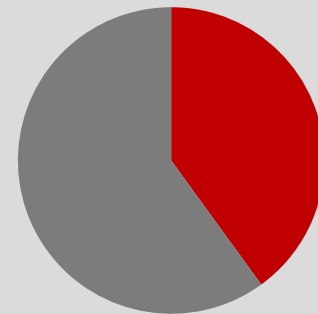
The state awarded funds offsetting only **17%** of indigent defense costs (p. 10).



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



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



39% of cases were handled by attorneys who exceeded guidelines (p. 18).



Operation Lone Star

Governor Abbott launched Operation Lone Star in March 2021 to respond to a rise in illegal immigration. In May, Governor Abbott issued a disaster declaration that now covers 53 counties, mostly counties along or near the border. The declaration directed the Department of Public Safety to “use available resources to enforce all applicable federal and state laws to prevent the criminal activity along the border, including criminal trespassing, smuggling, and human trafficking, and to assist Texas counties in their efforts to address those criminal activities.” The following month, the Governor opened Texas Department of Criminal Justice (TDCJ) facilities for detaining arrested persons under Operation Lone Star.

During the second special legislative session (87(2)), the Legislature appropriated funds for Operation Lone Star, including funding for indigent defense. Since Operation Lone Star’s inception, TIDC’s Board has met several times to award grant funding to indigent defense organizations functioning under Operation Lone Star. These grants have included funding for the Lubbock Private Defender Office (LPDO) to serve as the Indigent Defense Hub for Operation Lone Star, as well as funding for myPadilla to provide advisals pursuant to the United States Supreme Court’s decision in *Padilla v. Kentucky*.

Under Administrative Order 21-9104, the Texas Supreme Court directed TIDC to develop procedures for Operation Lone Star indigent defense representation. This Order was renewed under Texas Supreme Court Order 21-9157. TIDC will continue to protect the right to counsel and improve public defense in Operation Lone Star.



Budget

The 87th Texas Legislature appropriated TIDC \$95 million for the FY22-23 biennium. This restored the 5% cut required of the previous FY21-22 biennium in which the TIDC budget was reduced from \$94.4 million to \$89.9 million.

TIDC plans to invest the new funds in improvements to Texas indigent defense system, including new public defender offices, managed assigned counsel systems, indigent defense coordinators, and technological innovations. Out of the amount budgeted, \$5 million is earmarked for mental health representation through public defender offices.

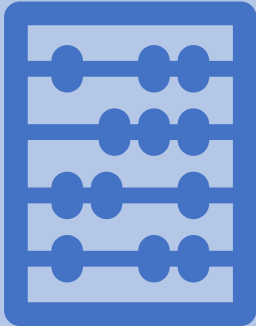
Key Legislation Passed

During its legislative workgroup, TIDC developed ten legislative proposals to improve public defense. Of those proposals, HB 295 was signed into law during the 87th Legislative Session. The law amended the Government Code to allow TIDC to directly fund indigent defense and support services at nonprofit organizations. This has allowed TIDC to fund organizations like the Texas RioGrande Legal Aid's public defender offices, as well as the Lubbock Public Defender Office to provide representation in OLS cases.



Geoff Burkhart testifying for House Committee on Appropriations.

tidc.texas.gov/**Funding**



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

Indigent Defense Expenditures

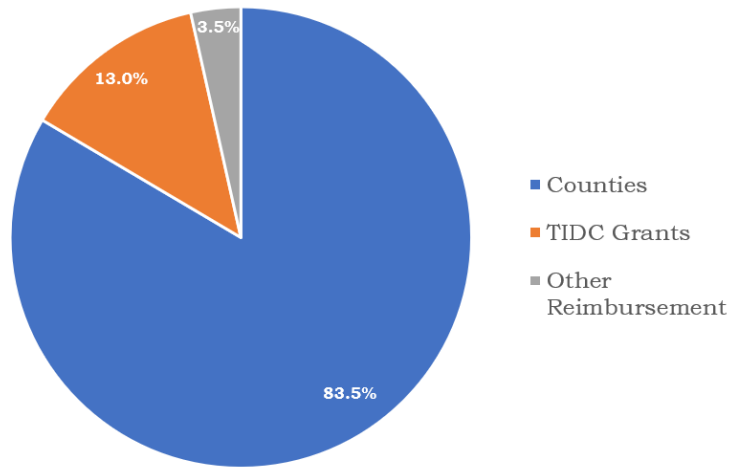
In FY21, Texas counties reported spending \$274.9 million on indigent defense, a slight increase from the previous year. However, indigent defense spending is still lower than pre-pandemic levels.

TIDC disbursed **\$35,596,510** in indigent defense grants to counties, offsetting approximately 13% of county costs statewide. Pending grant award obligations total \$11,859,207.

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

- From defendants: 9,536,138.19
- From the Texas Comptroller for writs of habeas corpus in death penalty cases: \$2,000.00
- From non-TIDC government funds: \$69,030.00

Figure 1: FY21 Indigent Defense Expenditures

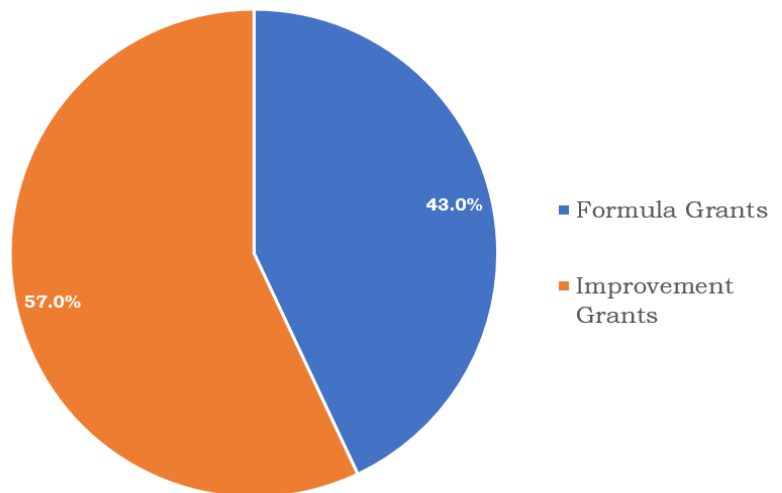


Formula Grants

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 FY21, TIDC awarded **\$22 million** in formula grants to 254 counties, representing 43% of total grants disbursed.

Formula grant disbursements for FY21 are listed in Appendix A.

Figure 2: FY21 Grant Awards



Improvement Grants

Improvement grants develop and sustain programs, encourage innovation, remedy noncompliance with the Fair Defense Act, or help counties facing extraordinary indigent defense costs. In FY21, TIDC awarded 43 new or continuing program grants, totaling **\$28.7 million**. It has disbursed \$13.6 million so far, with an additional \$11.9 million in pending award obligations.

Improvement grant awards and disbursements for FY21 are listed in Appendix B.

Improvement Grant Highlights

- **Regional Public Defender Offices**

TIDC provides sustainability funding covering 2/3 of counties' costs for participating in rural regional public defender programs, ensuring reliable access to quality counsel in these areas. In FY20, TIDC awarded **\$14.8 million** to non-capital regional defender offices and **\$3.2 million** to the Regional Public Defender Office (RPDO) for Capital Cases, which served 183 small- and mid-sized counties.

- **Mental Health Public Defense**

During the 86th Session, the Legislature directed TIDC to award **\$5 million** per biennium to mental health defender offices. In FY21, TIDC awarded these grants to public defenders and managed assigned counsel programs in Bexar, Cameron, Dallas, Galveston, McLennan, Webb, El Paso, and Harris Counties. These specialized programs identify clients' unmet mental health needs and advocate for outcomes that link them with services, treatment, and support that help them succeed in the community.

Innocence Project Contracts

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



tidc.texas.gov/Oversight

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

Figure 3: TIDC Oversight Model

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

Fiscal Monitoring

Indigent Defense Expenditure Reports

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

IDERs provide 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. 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 FY21, TIDC opened **8 fiscal monitoring reviews**. Reports are available at tidc.texas.gov/oversight/. Common findings included:

- Reports not prepared in manner required
- Court and civil expenses were claimed as indigent defense expenses
- Attorney payments did not follow the fee schedule

Figure 4: FY21 Fiscal Monitoring Reviews Opened

Desk Reviews		
Medina	Tom Green	Bastrop
Taylor	Karnes	

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 FY21, TIDC continued its review of each county’s plans, ensuring that they follow state statutes and rules for appointing counsel. Plans are available at tidc.tamu.edu/public.net.

Policy Monitoring Reviews

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

In FY21, TIDC continued reviews online, collecting records and observing court remotely, and began reviews in-person again. It conducted policy monitoring reviews in **9 different counties and issued 2 reports**, available at tidc.texas.gov/oversight/.

Common findings included:

- Appointments were not evenly distributed
- Requests for counsel were not ruled on, or ruled on late
- Indigence was determined improperly

Figure 5: FY21 Policy Monitoring Reviews in Progress

Full-Scope Reviews (covering six core FDA requirements)		
Bastrop	Brazoria	Montgomery*
Parker	Taylor	Tom Green
Williamson		
Follow-up Reviews (covering issues from previous review)		
Fort Bend	Harris*	
* Report Issued		

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

Complaints

In FY21, TIDC received **123 complaints** related to local indigent defense practices. Common complaint allegations included:

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

Indigent Defense Appointment Trends

Figure 6: Estimated Appointment Rates

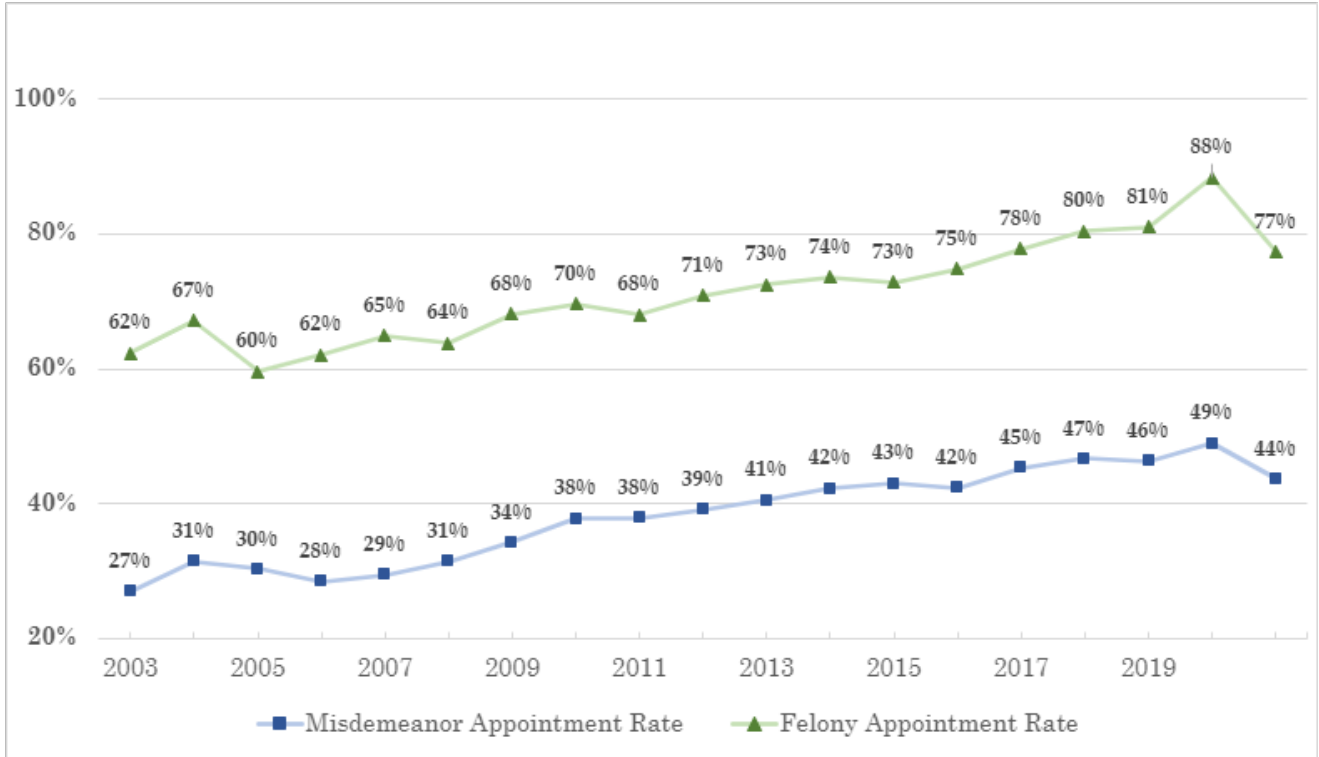
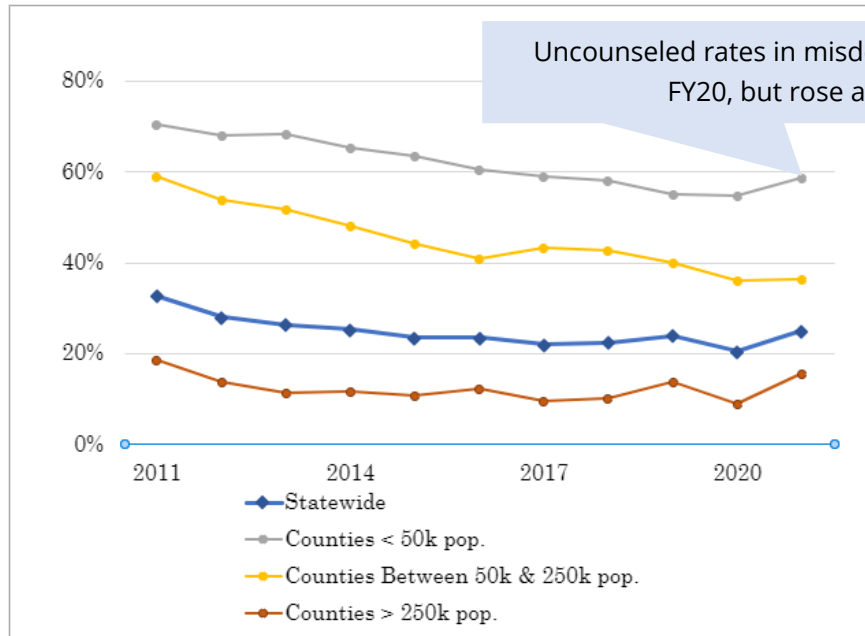


Figure 7: Estimated Misdemeanor Uncounseled Rates



FY21 Indigent Defense Caseloads

Under professional rules, attorneys must spend enough time on each case to perform their basic duties to clients. TIDC has weighted caseload guidelines at tidc.texas.gov/caseloads. In FY21:

- A total of 4,917 attorneys were reported to have been paid for one or more indigent defense cases. Of these, **517 attorneys** (11% of attorneys) had appointed caseloads above the guidelines. Attorneys with caseloads above the guidelines:
 - Handled appointed cases in **205 counties** (81% of counties).
 - Handled **39%** of appointed cases (135,678 cases).
- Two attorneys had caseloads greater than **5 times** the guidelines. Twenty-six attorneys had caseloads greater than **3 times** the guidelines.
- The median indigent defense caseload was **25%** 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 FY21:

- **73%** of attorneys who were paid for indigent defense cases submitted the report.
- Adjusted for practice time estimates, **1,265 attorneys** had total caseloads (including retained and civil work) above the guidelines.

FY21 Indigent Defense Investigation

Under professional guidelines, attorneys should investigate the facts of their client's case. Recommendations for investigation time are in the guidelines at tidc.texas.gov/caseloads. In FY21:

- **133 counties** (52% of counties) statewide spent \$0 on investigators.
 - Most were small counties, under 50,000 population. **68%** of small counties (127 counties), spent \$0 on investigation.
 - Counties that spent \$0 on investigation had 7% of all indigent defense cases and 7% of the state's population.



tidc.texas.gov/Improvement

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

Training

TIDC training and presentations were attended by over 1,500 people in FY21; the full list is in Appendix F. Highlights include:

- **Chief Public Defender Meetings**, for the chief public defenders and MAC chiefs across Texas
- **Virtual Workshop: Magistration in the Time of Covid**, for justices of the peace
- **Juvenile Training Immersion Program (JTIP)**, highlighted below.



JTIP in Houston.

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. In FY21, TIDC partnered with the Texas Criminal Defense Lawyers Association (TCDLA) and National Juvenile Defender Center to train and certify 16 attorneys in the **Juvenile Training Immersion Program (JTIP)**. Those attorneys will begin training others across the state during the next fiscal year.

With its interactivity and curriculum, there has been positive feedback from trainers and participants alike. TIDC will continue to support this first-of-its-kind training.

"I enjoyed all the new tactics I learned. Everyone was very transparent and the small group sessions were awesome."

"I loved the small breakouts. I really enjoyed the punctual feedback."

"I appreciated learning the law[s,] but then being able to apply the[m]."

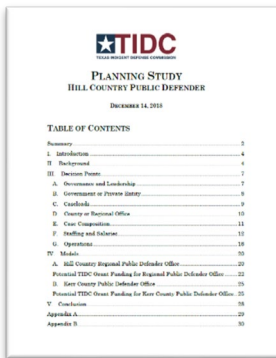
Mentorship



In FY21, TIDC offered continuing support and training to its first two classes of attorneys in the **Future Indigent Defense Leaders (FIDL)** program. Through FIDL, promising new criminal defense attorneys receive mentorship and training. Attorneys are paired with a local mentor and receive nationally recognized training from Gideon's

Promise and TCDLA. 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 FY21, TIDC **prepared three planning studies** for public defender offices or managed assigned counsel programs in 6 counties, with one resulting in the new Bexar

County MAC. The new Galveston Misdemeanor Mental Health Public Defender Office and 5-county Hill Country Regional Public Defender Office were awarded FY21 grants, and TIDC provided technical assistance to set up those offices.

Appendix A: Formula Grant Disbursements

FY21 Formula Grant Disbursements by County

Anderson	\$46,882	Cass	\$30,882	Eastland	\$26,431
Andrews	\$29,485	Castro	\$17,963	Ector	\$117,120
Angelina	\$57,289	Chambers	\$42,686	Edwards	\$4,211
Aransas	\$30,883	Cherokee	\$39,786	Ellis	\$128,961
Archer	\$19,640	Childress	\$20,155	El Paso	\$753,308
Armstrong	\$6,300	Clay	\$19,839	Erath	\$32,194
Atascosa	\$46,420	Cochran	\$15,343	Falls	\$28,186
Austin	\$31,336	Coke	\$17,368	Fannin	\$40,255
Bailey	\$19,566	Coleman	\$18,946	Fayette	\$33,166
Bandera	\$26,968	Collin	\$578,402	Fisher	\$5,600
Bastrop	\$70,778	Collingsworth	\$11,254	Floyd	\$10,647
Baylor	\$17,922	Colorado	\$29,862	Foard	\$5,184
Bee	\$32,969	Comal	\$99,592	Fort Bend	\$580,007
Bell	\$218,814	Comanche	\$22,205	Franklin	\$20,385
Bexar	\$1,050,983	Concho	\$16,946	Freestone	\$25,764
Blanco	\$20,954	Cooke	\$39,750	Frio	\$22,893
Borden	\$1,600	Coryell	\$52,326	Gaines	\$24,103
Bosque	\$23,711	Cottle	\$4,674	Galveston	\$211,108
Bowie	\$80,365	Crane	\$17,687	Garza	\$17,870
Brazoria	\$209,301	Crockett	\$18,974	Gillespie	\$29,712
Brazos	\$167,307	Crosby	\$11,370	Glasscock	\$4,600
Brewster	\$21,225	Culberson	\$13,826	Goliad	\$19,486
Briscoe	\$3,100	Dallam	\$19,473	Gonzales	\$26,676
Brooks	\$18,100	Dallas	\$2,016,348	Gray	\$30,782
Brown	\$39,456	Dawson	\$21,181	Grayson	\$89,984
Burleson	\$29,887	Deaf Smith	\$26,439	Gregg	\$95,479
Burnet	\$52,477	Delta	\$8,050	Grimes	\$32,463
Caldwell	\$40,158	Denton	\$436,902	Guadalupe	\$88,314
Calhoun	\$27,278	DeWitt	\$26,908	Hale	\$33,915
Callahan	\$22,547	Dickens	\$3,624	Hall	\$16,870
Cameron	\$204,416	Dimmit	\$16,967	Hamilton	\$19,215
Camp	\$22,757	Donley	\$16,772	Hansford	\$17,703
Carson	\$18,759	Duval	\$20,425	Hardeman	\$17,236

Hardin	\$46,585
Harris	\$3,593,847
Harrison	\$52,207
Hartley	\$23,498
Haskell	\$18,252
Hays	\$140,485
Hemphill	\$15,302
Henderson	\$70,512
Hidalgo	\$518,119
Hill	\$38,991
Hockley	\$26,361
Hood	\$44,883
Hopkins	\$33,854
Houston	\$29,932
Howard	\$32,699
Hudspeth	\$17,597
Hunt	\$91,739
Hutchinson	\$26,925
Irion	\$8,391
Jack	\$20,460
Jackson	\$25,736
Jasper	\$31,867
Jeff Davis	\$13,965
Jefferson	\$151,047
Jim Hogg	\$17,806
Jim Wells	\$32,588
Johnson	\$103,400
Jones	\$24,125
Karnes	\$23,562
Kaufman	\$104,037
Kendall	\$39,526
Kenedy	\$15,810
Kent	\$4,470
Kerr	\$49,092
Kimble	\$17,384
King	\$1,000
Kinney	\$12,859
Kleberg	\$33,567

Knox	\$16,910
Lamar	\$43,118
Lamb	\$21,791
Lampasas	\$25,174
La Salle	\$18,670
Lavaca	\$24,631
Lee	\$27,040
Leon	\$23,107
Liberty	\$58,679
Limestone	\$29,372
Lipscomb	\$6,980
Live Oak	\$21,922
Llano	\$26,993
Loving	\$9,236
Lubbock	\$285,202
Lynn	\$11,676
McCulloch	\$19,035
McLennan	\$188,276
McMullen	\$15,823
Madison	\$24,428
Marion	\$21,145
Martin	\$17,300
Mason	\$8,480
Matagorda	\$34,537
Maverick	\$18,835
Medina	\$43,503
Menard	\$15,886
Midland	\$127,007
Milam	\$27,664
Mills	\$18,033
Mitchell	\$20,141
Montague	\$24,183
Montgomery	\$398,630
Moore	\$32,696
Morris	\$22,533
Motley	\$6,690
Nacogdoches	\$45,276
Navarro	\$56,417

Newton	\$20,729
Nolan	\$27,698
Nueces	\$200,805
Ochiltree	\$20,419
Oldham	\$16,809
Orange	\$53,054
Palo Pinto	\$29,782
Panola	\$32,782
Parker	\$90,992
Parmer	\$18,861
Pecos	\$25,255
Polk	\$46,482
Potter	\$100,954
Presidio	\$18,186
Rains	\$19,991
Randall	\$93,619
Reagan	\$17,730
Real	\$14,302
Red River	\$22,207
Reeves	\$22,515
Refugio	\$19,727
Roberts	\$1,500
Robertson	\$25,431
Rockwall	\$73,747
Runnels	\$21,812
Rusk	\$37,184
Sabine	\$19,681
San Augustine	\$18,807
San Jacinto	\$29,501
San Patricio	\$51,746
San Saba	\$17,755
Schleicher	\$12,950
Scurry	\$23,308
Shackelford	\$6,575
Shelby	\$27,333
Sherman	\$17,037
Smith	\$148,115
Somervell	\$19,842

Starr	\$45,435
Stephens	\$22,573
Sterling	\$16,300
Stonewall	\$9,495
Sutton	\$17,320
Swisher	\$18,657
Tarrant	\$1,318,760
Taylor	\$122,232
Terrell	\$2,000
Terry	\$25,452
Throckmorton	\$15,081
Titus	\$28,513
Tom Green	\$120,993
Travis	\$863,980

Trinity	\$21,829
Tyler	\$25,175
Upshur	\$32,583
Upton	\$18,668
Uvalde	\$28,515
Val Verde	\$40,933
Van Zandt	\$43,945
Victoria	\$68,767
Walker	\$52,151
Waller	\$57,253
Ward	\$24,150
Washington	\$40,861
Webb	\$243,711
Wharton	\$37,612

Wheeler	\$18,368
Wichita	\$128,831
Wilbarger	\$23,634
Willacy	\$28,144
Williamson	\$294,363
Wilson	\$37,239
Winkler	\$19,553
Wise	\$55,205
Wood	\$34,795
Yoakum	\$13,951
Young	\$26,976
Zapata	\$21,282
Zavala	\$7,607
Total	\$22,000,000

Appendix B: Improvement Grant Awards and Disbursements

TIDC awards five types of improvement grants:

- **Competitive 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 extraordinary indigent defense costs. [Not awarded in FY21]
- **Compliance Assistance Grants** assist with Fair Defense Act compliance. [Not awarded in FY21]
- **Mental Health Public Defender Grants** fund mental health defender programs.
- **Technical Support Grants** assist with indigent defense research and technology projects.

FY21 Improvement Grant Awards and Disbursements

County	Program Title	FY21 Funds Awarded	Total Expended for FY21	Pending Obligations at Close of FY21
	Competitive Grants			
Bowie	PD Quality Improvement through Manageable Caseloads	\$102,600.00	\$90,640.57	\$0.00
Dallas	Transformational Justice Emerging Adult Program	\$213,447.00	\$172,501.64	\$0.00
El Paso	Public Defender Mental Health Litigation & Advocacy Unit	\$233,297.00	\$226,332.18	\$0.00
El Paso	Public Defender Bond Review (Bond 48)	\$288,039.00	\$253,873.10	\$0.00
Fort Bend	Public Defender Padilla Program	\$71,045.00	\$71,045.00	\$0.00
Harris	Misdemeanor Managed Assigned Counsel Program - New	\$1,232,000.00	\$0.00	\$1,232,000.00
Hays	Indigent Defense Coordinator	\$51,531.00	\$51,531.00	\$0.00
Medina	Indigent Defense Coordinator Program	\$31,140.00	\$29,993.27	\$0.00
Navarro	Indigent Defense Coordinator Program	\$33,978.00	\$32,040.25	\$0.00
Travis	Limited Felony Expansion of Mental Health PD	\$112,501.00	\$112,501.00	\$0.00
Travis	Public Defender Office/MAC Improvements	\$3,630,924.00	\$2,168,729.76	\$0.00
Webb	Public Defender Mental Health	\$78,699.00	\$74,532.36	\$0.00
Wichita	Public Defender Appellate/Bond Attorney	\$35,224.00	\$35,224.00	\$0.00
Wichita	Solution-Based Alternatives to Incarceration	\$193,178.00	\$193,178.00	\$0.00

Williamson	Transformational Justice Emerging Adult Program	\$200,485.00	\$147,500.92	\$0.00
Galveston	Mental Health Public Defender	\$780,334.00	\$121,353.57	\$194,903.12
McLennan	Mental Health Managed Assigned Counsel	\$169,280.00	\$135,174.46	\$0.00
Nueces	Indigent Defense Coordinators	\$135,121.00	\$108,521.06	\$0.00
Bexar	Managed Assigned Counsel Program	\$1,490,310.00	\$0.00	\$1,490,310.00
	Total - FY2021 Competitive Grants	\$9,083,133.00	\$4,024,672.14	\$2,917,213.12
	Sustainability Grants			
Lubbock	Regional Public Defender for Capital Cases	\$997,231.13	\$997,231.13	0.00
RPDLGC-Lub	Regional Public Defender for Capital Cases	\$3,223,804.97	\$3,223,804.87	0.00
Bee	Regional Public Defender Office	\$856,315.00	\$856,315.00	0.00
Culberson	Far West Texas Regional Public Defender Office	\$359,743.00	\$354,669.81	0.00
Goliad	Regional Public Defender Office	\$76,283.00	\$76,283.00	0.00
Lavaca	Regional Public Defender Office	\$142,063.00	\$142,063.00	0.00
Starr	Regional Public Defender Office	\$645,249.00	\$645,249.00	0.00
Texas Tech	Caprock Regional Public Defender Office	\$196,494.00	\$184,402.90	0.00
Atascosa	Regional Public Defender Office	\$1,511,801.00	\$1,511,801.00	0.00
Kerr	Regional Public Defender Office	\$2,503,264.00	\$1,580,394.08	0.00
Bee	Regional Public Defender Office	\$856,315.00	\$0.00	856,315.00
Culberson	Far West Texas Regional Public Defender Office	\$420,410.00	\$0.00	420,410.00
Goliad	Regional Public Defender Office	\$76,283.00	\$0.00	76,283.00
Lavaca	Regional Public Defender Office	\$142,063.00	\$0.00	142,063.00
Starr	Regional Public Defender Office	\$645,249.00	\$0.00	645,249.00
Atascosa	Regional Public Defender Office	\$1,196,810.00	\$0.00	1,196,810.00
Kerr	Regional Public Defender Office	\$1,790,074.00	\$0.00	1,790,074.00
Tom Green	Concho Valley Reg. Public Defender Program	\$2,276,676.00	\$0.00	2,276,676.00
Burnet	North Hill Country Regional Public Defender	\$1,063,224.00	\$0.00	1,063,224.00
	Total - FY2021 Sustainability Grants	\$18,979,352.10	\$9,572,213.79	\$8,467,104.00
	Mental Health Public Defender Grants			
Bexar	Public Defender Mental Health Expansion	\$146,855.00	\$0.00	146,855.00
Cameron	Juv. Public Defender Mental Health Expansion	\$200,800.00	\$0.00	200,800.00
Dallas	Public Defender Mental Health Expansion	\$81,394.00	\$0.00	81,394.00
Harris	Public Defender Mental Health Expansion	\$164,910.00	\$0.00	164,910.00
	Total - FY2021 Mental Health Grants	\$593,959.00	\$0.00	\$447,104.00

Technical Support Grants				
Collin	Affidavit of Indigence & Attorney Compliant Tracking System	\$27,786.00	\$0.00	\$27,786.00
Total - FY2021 Technical Support Grants		\$27,786.00	\$0.00	\$27,786.00
Total Improvement Grants Awarded		\$28,684,230.10	\$13,596,885.93	\$11,859,207.12

FY21 Disbursements for Grant Award Obligations from FY19

County	Program	Amount Disbursed 2020	Pending Obligation end of FY20	Disbursed FY21	Pending End of FY21
Dallas	Transformational Justice	\$277,774	\$46,396	\$32,099	0
Harris	Statewide Indigent Defense Mentoring & Leadership Development Program Cohort 2	--	\$496,125	0	0 balance Reissued under 2022
Harris	Misdemeanor Managed Assigned Counsel Program Part 1	--	\$1,551,971	\$352,000	0
Hays	Statewide Padilla Compliance Program	\$27,610	\$315,110	\$66,628	0 Balance Reissued under FY22
Harris	Statewide Indigent Defense Mentoring and Leadership Development Program Cohort 1	\$108,005	\$215,393	\$101,951	0 Balance reissued under FY22
TOTALS		\$413,389	\$2,624,995	\$552,678	0

FY21 Disbursements for Grant Award Obligations from FY20

County	Program	Pending FY20 Obligation at beginning of FY21	Amount Disbursed FY21	Pending FY2020 Obligation end of FY21
Bexar	Public Defender Mental Health Division Expansion	\$598,504	\$365,518	\$232,986

Culberson	Public Defender Mental Health Social Worker	\$93,403	\$71,498	0
Dallas	Transformational Justice: Emerging Adults Alternatives to Incarceration	\$80,042	\$78,507	0
Dallas	Public Defender Mental Health Division Expansion	\$587,784	319,969	267,815
Harris	Misdemeanor Managed Assigned Counsel Program (part 2)	\$620,884	\$414,548	0
Harris	Public Defender Mental Health Division Expansion	\$1,166,863	\$513,293	\$653,570
Lavaca	Public Defender Mental Health Social Worker	\$135,767	\$32,325	\$103,442
Travis	Public Defender Office + MAC Enhancement	\$672,737	\$49,527	0
Bee	Rural Regional Public Defender Organizational Evaluation	\$30,820	\$23,725	0
Hays	Defense Counsel at Magistration Pilot Project	\$118,050	\$118,050	0
Potter	Defense Counsel at Magistration Pilot Project	\$138,000	\$44,016	0
	TOTALS	\$4,242,854	\$2,030,976	\$1,257,813

FY21 Disbursements for Innocence Program Contracts

Law School	FY21 Contract Amount	Contract Amount Carryforward from FY20	Adjusted FY21 Award Amount	Total Disbursed in FY21
Texas A&M University	\$100,000	\$32,875	\$132,875	\$89,500.00
Texas Southern University	\$100,000	\$37,828	\$137,828	\$137,827.80
Texas Tech University	\$100,000	\$65,963	\$165,963	\$103,750.00

The University of Houston	\$100,000	\$15,075	\$115,075	\$89,772.48
The University of North Texas - Dallas	\$100,000	\$58,124	\$158,124	\$48,701.81
The University of Texas	\$100,000	\$5,646	\$105,646	\$84,126.55
TOTAL	\$600,000	\$215,511	\$815,511	\$553,678.64

Appendix C: Operating Budget

This fiscal year the Commission expended a total of \$37,539,939. Of these funds, \$1,454,285 was for administrative costs. Administrative costs represent 3.9 percent of the total amount expended. These expenses include salaries, operating expenses, and travel for 18 full-time staff positions and board members as shown in the chart below.

FY21 TIDC Operating Budget

Budget Category	FY 2021 Expended	FY 2020 Expended
Salaries & Wages	\$1,126,361	\$1,086,290
Other Personnel Costs	\$36,308	\$13,280
Benefit Replacement Pay	\$2,054	\$2,054
Professional Fees and Services	\$1,227	\$237
Consumables	\$129	\$1,269
Utilities	\$2,386	\$2,041
Travel	\$2,421	\$18,313
Rent-Building	\$75	\$75
Rent-Machine and Other	\$997	\$2,402
Other Operating Expenses *	\$282,327	\$154,257
Innocence Project	\$583,703	\$354,243
Grants	\$35,501,951	\$34,316,921
Total Expended	\$37,539,939	\$35,951,382

Method of Finance Category	FY 2021 Method of Finance	FY 2020 Method of Finance
Fund 5073, Fair Defense Account, Court Costs	\$28,134,566	\$29,018,786
Surety Bond Fee	\$1,737,890	\$1,635,109
State Bar Fee	\$2,622,782	\$2,238,438
Juror Pay Fee	\$0	\$5,926,967
Total Fund 5073, Fair Defense Account	\$32,879,595	\$38,819,300
Fund 0001, General Revenue		
State Grant	\$12,580	\$11,302
Total Revenue	\$32,892,175	\$38,830,602
FY2019 Carryforward		\$9,525,351
FY2020 Carryforward	\$9,527,685	(\$3,253,084)
FY2021 Carryforward	\$11,421,835	
CJD Grant	(\$12,580)	(\$11,302)
FY19 Grant/IP Obligations	\$0	(\$2,663,118)
FY20 Grant/IP Obligations	(\$1,979,697)	(\$4,282,093)
FY21 Grant/IP Obligations	(\$12,100,622)	
Revenue above Appropriation Cap	\$0	\$0

Office of Capital and Forensic Writs & Benefits**	(\$1,941,192)	(\$1,937,393)
TIDC Benefits	(\$267,665)	(\$257,581)
Total Method of Finance	\$37,539,939	\$35,951,382

*PPRI - Grants & Reporting Maintenance System and Special Projects expenses in the amount of \$240,746 are captured under this budget category.

CJD Grant expenses in the amount of \$12,580. This is a state grant.

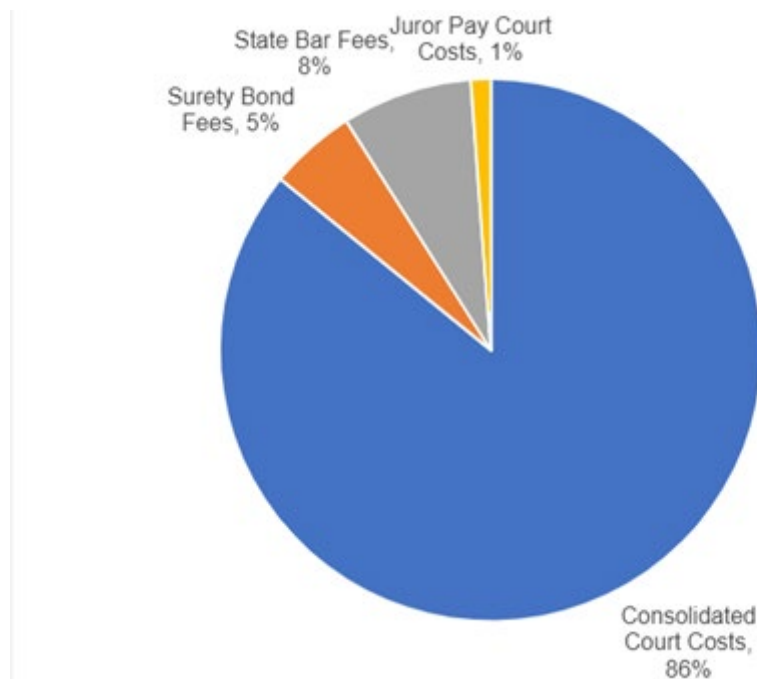
** Fund 5073 is also the method of finance for the Office of Capital and Forensic Writs (OCFW).

Appendix D: Method of Finance

In FY21, 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. TIDC has not received these funds.
- **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.

Fair Defense Account Sources



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

Appendix E: Training and Presentations

2020

September

- **FIDL Lunchtime Roundtable Series**, topic: Learning to be Effective in Virtual Court
- **Regional Public Defender Board Meeting**
- **Chief Public Defender Meeting**, with the chief public defenders of Texas.
- **FIDL Mentor-Led Meeting**, with mentors and mentees

October

- **FIDL Lunchtime Roundtable Series**, topic: Brainstorming DWI Legal Issues
- **Regional Public Defender Board Meeting**
- **Virtual Workshop: Magistration in the Time of Covid**, sponsored by the Texas Justice Courts Training Center
- **Chief Public Defender Meeting**, with the chief public defenders of Texas.

November

- **Seventh Annual National Convening on Research and Data in Indigent Defense**, for public defense researchers, data specialists, lawyers, and advocates
- **FIDL Lunchtime Roundtable Series**, topic: Learning How to Balance Your Practice with Client-Centered Representation as a Solo or Private Practitioner
- **2020 Fall Judicial Education**, sponsored by the Texas Association of Counties
- **FIDL Mentor-Led Meeting**, topic: Using Social Workers and Immigration Attorneys in Your Practice

December

- **Regional Public Defender Board Meetings**
- **Presentation to the new Chief Public Defender at the Hill Country Public Defender**
- **Chief Public Defender Meeting**, with the chief public defenders of Texas.
- **Meeting for Possible Rural Regional Public Defender Office**, for District Judges, County Judges, and stakeholders in Tom Green County and surrounding counties.

2021

January

- **ABA Public Defense Summit**, moderated Counsel at First Appearance panel
- **Travis County Chief Public Defender Meeting**
- **Regional Public Defender Board Meeting**

February

- **Meeting on Establishing a Public Defender Office in Tom Green County and Surrounding Counties**
- **Improvement Grant Application Training Webinar**
- **Hays County Public Defender Planning Session**

March

- **Regional Public Defender Office Workload Committee Meeting**
- **FIDL Lunchtime Roundtable Series**
- **Judicial Education Session**, sponsored by the Texas Association of Counties
- **Regional Public Defender Board Meeting**

- **TIDC Meeting with Bexar County**

April

- **Hill Country Public Defender Board Meeting**
- **Indigent Defense Contracts Meeting**, with Commissioner Rodney Ellis
- **Harris County Policy and Fiscal Monitoring Report Presentation**
- **MAC Expansion Meeting**, with Commissioner Rodney Ellis
- **FIDL Lunchtime Roundtable Series**
- **2021 Virtual Regional Conference**, for the Texas Association for Pretrial Services and the National Association for Pretrial Services
- **Commissioners Court Testimony**, for Cameron County
- **Regional Public Defender Office Workload Committee Meeting**
- **Meeting with Potter County Commissioners Court**

May

- **Meeting with Bexar County Commissioners Court**
- **Bexar County MAC Meetings**
- **Harris County Democratic Lawyers Association Meeting**
- **Introduction to new CPS reporting requirements on the TIDC IDER**, for the Texas Association of County Auditors
- **Regional Public Defender Office Workload Committee Meeting**
- **Potter County Meeting**
- **FIDL Lunchtime Roundtable Series**
- **Hill Country Public Defender Meeting**

June

- **Meeting with Bexar County Commissioners Court**
- **Juvenile Training Immersion Project Train the Trainer**
- **FIDL Lunchtime Roundtable Series**
- **Indigent Defense Legislative Update**, for the Austin Criminal Defense Lawyers Association Indigent Defense Legislative
- **Regional Public Defender Board Meetings**
- **Hill Country Public Defender Board Meeting**
- **Montgomery Fiscal and Policy Monitoring Report Presentation**

July

- **Presentation to Harris County felony judges**
- **Bee County Public Defender Board Meeting**
- **Meeting with Potter County Commissioners Court**
- **Meeting with Hays County Commissioners Court**
- **Chief Public Defender Meeting**, with the chief public defenders of Texas.

August

- **Maverick County Judges Meeting**
- **FIDL Lunchtime Roundtable Series**
- **Chief Public Defender Meeting**, with the chief public defenders of Texas.
- **Regional Public Defender Board Meeting**

