



*Special Edition
e-Newsletter*

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REGISTER TO ATTEND INDIGENT DEFENSE
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**Public Policy Research Institute
Texas A&M University**

Prepared for:
Texas Indigent Defense Commission
Office of Court Administration

October 2012

indigent defense news in Texas

www.txcourts.gov/tidc

**Please Register to
Attend Indigent
Defense Workshop**

***Preview of the 83rd Legislature and
Recent Developments***

Please join the Texas Indigent Defense Commission and guests for two hours on Thursday, **November 13 (10-noon) in the Capitol Extension Auditorium** as we review recent developments and consider future opportunities to improve the state’s indigent defense system. Judge Sharon Keller and Jim Bethke of the Commission will discuss the Commission’s Legislative Appropriations Request and other recent developments. Dr. Ana Yanez-Correa will discuss the impact state funding is having in local jurisdictions. Vikrant Reddy will review his recent report “Policy Perspective: Improving Indigent Defense in Texas.” Andrea Marsh will review her organization’s role and activities to improve indigent defense in Texas. Jim Allison will then provide a preview of the upcoming legislative session. The Workshop will wrap up with a Q&A session with all the presenters. County officials, members of the judiciary, legislators, legislative staff, attorneys and other stakeholders are encouraged to attend. Here is a [link to the information sheet with agenda and registration form](#).

Contact Terri Tuttle
Executive Assistant/Project Manager

Chair’s Message

Earlier this week the Commission and Wichita County jointly released a study (image above) providing evidence that the county’s public defender can provide high-quality indigent defense counsel while also containing costs. The study, led by the Public Policy Research Institute at Texas A&M University, involved a survey of court-appointed attorneys as well as analyses of over five years of criminal justice and court records. The findings in the report show clients represented by the public defender have better outcomes. They are more likely to have their case dismissed, and therefore have a lower chance of being found guilty. The higher dismissal rate helps the county to avoid about \$204 per case in court processing, prosecution, and pretrial detention costs, the study shows. A survey found public defenders spend more time with each defendant than other court-appointed lawyers. Even so, cost data demonstrates they still cost the county less per case. Interest in public defender offices has been increasing in Texas, as the number of full-time public defender offices has risen from seven to 19 over the past decade. Over 30 counties now have a trial-level public defender program, and more than 150 counties are served by some form of public defender office. Here is a link to [the study](#).

*Sharon Keller, Chair, Texas Indigent Defense Commission,
Presiding Judge, Court of Criminal Appeals*

Message from the Executive Director

Members of the Texas Indigent Defense Commission

Chair:

The Honorable **Sharon Keller**
Presiding Judge, Court of
Criminal Appeals

Vice Chair:

The Honorable **Olen Underwood**,
Presiding Judge, 2nd Administrative
Judicial Region of Texas

Ex Officio Members:

Honorable **Sharon Keller**

Honorable **Wallace B. Jefferson**,
Chief Justice, Supreme Court

Honorable **Roberto Alonzo**,
State Representative

Honorable **Pete Gallego**,
State Representative

Honorable **Laura Weiser**, Victoria
County Court at Law #1

Honorable **Jeff Wentworth**,
State Senator

Honorable **John Whitmire**,
State Senator

Members Appointed by Governor:

Honorable **Jon Burrows**,
Bell County Judge

Mr. **Knox Fitzpatrick**, Dallas Attorney,
Fitzpatrick, Hagood, Smith & Uhl, L.L. P.

Mr. **Anthony Odiorne**, Public Defender,
Regional Capital Defender Office

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

Honorable **Olen Underwood**

Honorable **Laura Weiser**

Honorable B. **Glen Whitley**,
Tarrant County Judge

Earlier this month, Commission members and staff convened in Bastrop for a one and one half day strategic planning session. The session was facilitated by **Dr. Tony Fabelo**. The goals of the session were to reevaluate the grant program, discuss the strategic message supporting our request for appropriations, and begin the discussion on the best way to measure system performance and compliance. The discussion was lively and thoughtful. The Grants & Reporting committee will take up the issue of revamping the formula and revisiting the discretionary grant program priorities at its upcoming meeting on November 1 at 9:00 a.m. The request for appropriations was reviewed and members brainstormed legislative expectations and system performance. We appreciated the participation of Office of Court Administration staff that included **David Slayton**, Administrative Director, **Mena Ramon**, General Counsel, **Glenna Bowman**, Chief Financial Officer, and **Casey Kennedy**, Director of IT. We also thank **Dr. Dottie Carmichael** and **Dr. Trey Marchbanks** who provided a preview of their Wichita County Public Defense Outcome Study. In addition, I want to thank **Brandon Dudley**, Chief of Staff, Office of **Senator Ellis**, on his input and participation. Pictured below is the meeting in session in the refectory, one of the historic buildings at Bastrop State Park. The buildings there were built by the Civilian Conservation Corps (CCC) in the 1930's. Bastrop's refectory is a showplace of CCC craftsmanship constructed with cedar, oak, walnut and pine indigenous to the park. For your own retreat we highly recommend Bastrop State Park. We want to thank **Texas Parks and Wildlife park employees** for working with our group to make our stay productive and enjoyable—thank you!



Pictured left to right: David Slayton, Judge Laura Weiser, Jim Bethke, Judge Sharon Keller, Knox Fitzpatrick, Judge Olen Underwood, Judge Glen Whitley

Enjoy the cooler weather!

Best,

Jim Bethke

Executive Director

GRANTS AND REPORTING UPDATE



Commission Issues FY2013 Formula Grant Request (RFA) for Applications

In this special edition newsletter and following strategic planning, the Commission is pleased to announce the availability of funds by the Texas Legislature to improve indigent defense services in Texas. The [FY2013 Formula Grant packet](#) (and [letter](#)) was sent to all 254 constitutional county judges last week. A [courtesy letter](#) was sent to all local administrative district and statutory judges and county financial officers informing them of the availability of grant funds. The Commission recently re-adopted [Texas Administrative Code Chapter 173](#) with [small changes](#) in order to implement the grant authority established by the Texas Legislature. The [rules](#) and the [RFA](#) establish the guidelines for the administration of grant funds and application submission process for FY2013. Please call Bryan Wilson, at the Commission office, toll free in Texas at (866) 499-0656, if you have any questions about the application process.

FY2012 Indigent Defense Expenditure Report due Nov. 1

Government Code §79.036(e) requires county auditors (or treasurers, if there is no county auditor) to provide information to the Commission regarding the expenditures related to legal services provided to indigent criminal defendants during each fiscal year. This statutory report must be completed regardless of whether a county receives grant funds. Here are links to the [FY12 Indigent Defense Expenditure Report \(IDER\) Manual](#), [Supplement for PDOs](#) and [Cover Letter](#).

Reminder: Updates Needed to Contact Information for County Grant Designees

In the request for applications for the grant program it states: *All counties must maintain the grant and plan officials contact information on counties' home page set up at <http://tidc.tamu.edu>. Counties must advise the Commission of changes in the authorized official, program director, financial officer, local administrative district judge, local statutory county judge and county judge by updating this website contact information. This information will be used to provide notices for grant or plan submission information. The Commission staff will use e-mail whenever possible to notify counties of required reports and funding opportunities.*

Please take a moment and go to the [Commission grants website](#) and update contact information. And, if there are users that no longer use the website (but still have a user account) please send an [email to Darby Brennan at PPRI](#) who maintains the data. She will then disable that user account.

Contact Bryan Wilson
Grants Administrator

Harris County's Veterans Court was featured on Sunday's 60 Minutes on CBS. TIDC provided funding for the defender component of Harris County's program in FY2011. Click on image to view the segment.



Two Additional Indigent Defense Trainings Scheduled

Mark your calendars and plan to attend one or all of the following:

January 17, 2013 9:00 a.m. - noon

Primer on Indigent Defense and Funding for Newly Elected Officials

A summary of the core requirements Fair Defense law for newly elected judges, legislators, and their staffs at the Capitol.

Location: State Capitol, Extension Auditorium, Austin

March 18, 2013 8:30 a.m. - TBD

Commemorating Gideon's 50th Anniversary

In collaboration with Senator Ellis and the Texas Criminal Defense Lawyers Association

Location: State Capitol, Extension Auditorium, Austin

Information will be available on the website soon. However, if you wish to get more information and/or indicate your interest in the meantime, please email terri.tuttle@txcourts.gov. No registration fee for trainings. Individuals are responsible for own travel costs. To assist you in planning your trip, hotel information with contracted government rates is available on the [State Comptroller's website](#). For a map of the Capitol and parking information please refer to the [State Preservation Board website](#).



Nominate your County's Deserving Program for the Gideon Recognition

The Commission is pleased to recognize local governments across Texas that strive to meet a high standard for indigent defense. This recognition program is inspired by the upcoming 50th anniversary of the landmark U.S. Supreme Court case *Gideon vs. Wainwright* which is March 18, 2013. Counties will be recognized based on how well their programs meet the principles of the [Fair Defense Act](#) and the [American Bar Association's Ten Principles of a Public Defense Delivery System](#). Counties may receive recognition for programs or achievements that demonstrate a significant level of innovation, such as a new solution to a problem, significantly streamlining a process, a measurable and significant increase in productivity, or improved service to indigent defendants or other stakeholders. Recognition may also be given to counties with exceptionally high performing indigent defense systems. In recognizing a county, the Commission seeks to promote innovative, high performing policies that are replicable in other counties.

Counties will receive a certificate reflecting the Texas Gideon Recognition. The county recognitions will be featured on the Commission website, newsletter (statewide and national distribution) and Commission annual report that is sent to the Governor, Lieutenant Governor, Speaker, Chief Justice of the Supreme Court and the Texas Judicial Council. The county will also receive a digital Texas Gideon Recognition seal indicating the year it was given which a county may publish on its website.

Suggestions for indigent defense programs in Texas to be recognized may be submitted on a [submission information sheet and submission form available here](#).

Contact Terri Tuttle
Executive Assistant/Project Manager

Online Resources Available to Texas Counties

These are just a few of the most recent publications available on the [Commission website](#).

- [Using Data to Inform Policy Decisions, Promote Compliance, and Improve Justice Outcomes - presentation made at Texas Center for the Judiciary DWI College July 30 by Jim Bethke](#)
- [Flowcharts](#) describing Articles 16.22 and 17.032 of the Code of Criminal Procedure to aid jurisdictions in improving defense processes related to mental health issues
- [FY12 Indigent Defense Expenditure Report \(IDER\) Manual, Supplement for PDOs and Cover Letter](#) due November 1, 2012
- [Veterans Defender Resource](#), Published March 28th, 2012
- [Improved, Increased Access to Texas Indigent Defense Data Online](#)
- [2011 Fair Defense Law](#)
- [Securing Reasonable Caseloads: Ethics and Law in Public Defense](#), Norman Lefstein, American Bar Association Standing Committee on Legal Aid and Indigent Defendants (November 2011)
- [Video downloads of presentations from Symposium on Indigent Defense, October 27, 2011](#)



Please contact any of the following staff members for assistance:

James D. Bethke	Executive Director
Edwin Colfax	Research Specialist
Carol Conner	Fiscal Monitor
Dominic Gonzales	Grant Program Specialist
Marissa Kubinski	Administrative Assistant
Joel Lieurance	Policy Monitor
Wesley Shackelford	Deputy Director/Special Counsel
Terri Tuttle	Executive Assistant/Project Manager
Sharon Whitfield	Budget and Accounting Analyst
Bryan Wilson	Grants Administrator

Archived e-newsletters are available [online](#).

Interactive Features:

If you're viewing this as a PDF, be sure to take advantage of many of this newsletter's interactive features. Many of the stories feature hyperlinks to additional material, including videos, reports, national news items.



Pictured left to right in Bastrop Oct. 5, 2012: Judge Olen Underwood, Bryan Wilson, Jim Bethke, Trey Marchbanks (PPRI)

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