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Presiding Judge, Court of Criminal
Appeals

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Honorable John Whitmire
Honorable Brandon Creighton
Honorable Joseph "Joe" Moody
Honorable Andrew Murr
Honorable Sherry Radack
Honorable Vivian Torres

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EXECUTIVE DIRECTOR:
Geoffrey Burkhart

Report from the Texas Indigent Defense Commission (TIDC) For the February 23, 2018 Texas Judicial Council Meeting

Introduction

For the Texas Indigent Defense Commission (TIDC), the past few months have been productive. We hope you enjoy this short briefing. If you would like any additional information, please contact Executive Director **Geoff Burkhart**: (512) 936-6999 or gburkhart@tidc.texas.gov.

TIDC's new Executive Director, Geoffrey Burkhart

TIDC has appointed Mr. [Geoffrey T. Burkhart](#) as its new Executive Director. Born and raised in Kentucky, Mr. Burkhart earned his bachelor's degree at Xavier University, his master's degree at Loyola University Chicago, and his juris doctor at DePaul University College of Law, where he served as Editor in Chief of the DePaul Law Review. Mr. Burkhart comes to TIDC from the American Bar Association (ABA), where he served as the first Deputy Director and Counsel to the ABA Center for Innovation. He also helped lead the ABA's indigent defense reform efforts as Project Director and Counsel to the ABA Standing Committee on Legal Aid and Indigent Defendants. Mr. Burkhart previously worked as an Assistant Appellate Defender at the Illinois Office of the State Appellate Defender. There, he represented clients in homicide, sexual assault, and other serious felony cases. He also worked at a law firm, served as a law clerk to Justice James Epstein of the Illinois Appellate Court, and taught Appellate Advocacy and Judicial & Scholarly Writing at Loyola University Chicago School of Law. The Commission welcomes Mr. Burkhart!



Welcome Presiding Judge Vivian Torres to TIDC

In November, Governor Greg Abbott designated **Judge Vivian Torres** of the Medina County Court at Law to serve as an [ex-officio member of TIDC](#) to replace Judge Linda Rodriguez. Judge Torres brings with her a wealth of experience, including over a decade on the bench, and work in commercial, criminal, probate, and family law. Judge Torres serves on the Texas Judicial Council and two of its committees: the Civil Justice Committee and the Juvenile Justice Committee.

TIDC Board and Committee Meeting

On December 7, 2017, the [Policies and Standards Committee](#) discussed policy monitoring findings, rule adoption, and the status of FY17 indigent defense plan submissions. The full Board met shortly after and began with a [TIDC retrospective](#) from Deputy Director, **Wesley Shackelford** and Grant Program Manager, **Edwin Colfax**, who highlighted TIDC's remarkable accomplishments over the past 16 years. The [Board](#) then addressed policies and standards, annual reports, and the FY18 formula and discretionary grant cycle. The Board also reviewed final figures for the increase of FY17 Formula Grant Awards from \$23.9 million to \$30.6 million. TIDC has notified all counties receiving an increase and has disbursed grant payments. **The next full Board meeting is on Thursday, March 8, 2018 at 10:00 A.M. in the 1st floor conference room in the Tom C. Clark building, and the Commission Strategic Planning meeting is June 13-15, 2018 at the Y.O. Ranch in Kerrville, Texas.**

Mental Health Roundtable

On November 17, 2017, TIDC held its [2nd Annual Texas Roundtable on Representation of Defendants with Mental Illness](#). Approximately 60 people, including county officials, attorneys, social workers, and case managers from across the state, discussed ways to improve local mental health and criminal justice systems. The panels focused on innovative strategies to improve the lives of defendants with mental illness and intellectual and developmental disabilities in Texas and included presentations from the Texas Health and Human Services Commission, Capital Area Private Defender Service, and public defender offices from around the state. The roundtable concluded with a productive discussion on improving delivery of criminal defense to defendants with mental illness or developmental and intellectual disabilities through mental health defender programs.

State Auditor's Office Audit

At the end of August, the State Auditor's Office issued its [final report](#) containing its audit of TIDC as part of a broader audit of the Office of Court Administration. The scope included payroll, travel, contract management, and grant management. TIDC's portion of the audit was given the most favorable rating of "low." **Edwin Colfax** provides an [excellent summary](#) of the findings and the steps TIDC has taken to address the few issues raised.

Amarillo Regional Public Defender Office Feasibility Study

At the request of officials in Potter, Randall, and Armstrong Counties, TIDC drafted a [Feasibility Report](#) to explore the possibility of an Amarillo Regional Public Defender Office. The document examines the region's indigent defense history, explores factors to consider in creating a public defender office, and outlines two models for discussion purposes. On February 5, **Wesley Shackelford** and Special Counsel, **Scott Ehlers** presented at a 20-member committee appointed to consider the creation of a public defender office, and yesterday, **Geoff Burkhart** presented before the

Potter County Public Defender Select Committee. TIDC will continue working closely with local officials to continue to explore this possibility.

Staff Update

On January 10, TIDC welcomed **Hayden Hatch**, its fourth law clerk from the Texas Tech School of Law Regional Externship Program. An articles editor for a law journal, Hayden has competed in national advocacy competitions and belongs to Tech Law's Board of Barristers. While clerking in Austin last summer, he drafted an extensive petition for writ of habeas corpus that piqued his interest in criminal law. In May, Hayden will return to Texas Tech to graduate and sit for the July 2018 Texas Bar Exam. He plans to pursue a career in criminal defense.



Commission Publications

TIDC has issued numerous reports and publications in the past several months. Our Fiscal Monitor, **Debra Stewart** has been monitoring and examining selected counties' grant fund spending and issued the [Final Fiscal Monitoring Report for Lubbock County](#) in October 2017 and the [Final Fiscal Monitoring Report for Maverick County](#) in January 2018. Our Senior Policy Analyst, **Joel Lieurance** published the [Policy Monitoring Follow-up Review for Willacy County](#) in November following a visit in September where policy monitors examined whether the county successfully addressed the findings and recommendations from previous reviews. In early Autumn, TIDC published the [Primer on Managed Assigned Counsel Programs](#), the [Annual Report for Fiscal Year 2017](#) in November, and just recently published the [2017-2019 Fair Defense Laws](#) this month. The Commission's Fiscal Year 2017 Annual Expenditure Report will be published early this spring.

Indigent Defense Trainings and Events

TIDC has conducted or presented at several trainings including the East Texas Regional Indigent Defense Expenditure Report Training Session in October, the [2nd Annual Texas Roundtable on Representation of Defendants with Mental Illness](#) in November, a TIDC staff training "Introduction to Design Thinking + Law: Creative Approaches to Complex Problems" conducted by **Geoffrey Burkart** in January, the [FY2019 Discretionary Grant Application Training Webinar](#) led by **Edwin Colfax** at the beginning of the month, and the [Brush Country Workshop on Effective Post-Arrest and Indigent Defense Practices](#) early this week in Eagle Pass, Texas. Since September, TIDC staff has attended many presentations and training sessions including the Certified Texas Procurement Manager training in October, the Texas Association of Inspectors General Conference, the Symposium on Ethics for Texas State Agencies at the Capitol, the 3rd Annual Right to Counsel (R2C) National Consortium Meeting, the Executive Women in Texas Government's 31st

Annual Professional Development Conference in November, the Auditors January On the Road Area Training (OTRAT) in Burnet County, and this month's Texas Journal on Civil Liberties and Civil Rights and the American Journal of Criminal Law's conference on the collateral consequences of criminal convictions.

Recent Articles and Media

ACROSS THE STATE

[Ken Paxton legal fight has wider implications, appeals court warned](#) (October)

[Potter County considering public defenders office](#) (October)

[Proposal for Public Defender Office seeks to provide more fair, adequate representation](#) (November)

[Indigent defense costs soar](#) (January)

[Commissioners apply for grant to help offset indigent defense costs](#) (January)

[Poor people locked up longer than the rich, violating Constitution in Dallas, lawsuit alleges](#) (January)

[State grant to provide defense of poor OK'd](#) (January)

AROUND THE NATION

[New Criminal Justice Legislation: Part One](#) (October)

[New Criminal Justice Legislation: Part Two](#) (October)

[Public Defenders Fight Back Against Budget Cuts, Growing Caseloads](#) (November)

[ACLU Lawsuit Claims Nevada Violates Indigents' Right to Counsel](#) (November)

[Public defenders continue to seek case-load relief](#) (December)

[This Life with Gracie: Meet the keepers of Gideon's Promise](#) (December)

[A return to debtors' prisons: Jeff Sessions' war on the poor](#) (December)

[Justice Shouldn't Come With a \\$250 Fine](#) (January)

[Justice Dept. Office to Make Legal Aid More Accessible Is Quietly Closed](#) (February)