

Chair:
The Honorable Sharon Keller
Presiding Judge, Court of Criminal Appeals

Vice Chair:
The Honorable Olen Underwood

Ex Officio Members:
Honorable Sharon Keller
Honorable Wallace B. Jefferson
Honorable Roberto Alonzo
Honorable Pete Gallego
Honorable Laura Weiser
Honorable Jeff Wentworth
Honorable John Whitmire

Members Appointed by Governor:
Honorable Jon Burrows
Mr. Knox Fitzpatrick
Mr. Anthony Odiorne
Honorable Sherry Radack
Honorable Olen Underwood
Honorable Laura Weiser
Honorable B. Glen Whitley

Executive Director:
James D. Bethke

Report from the Texas Indigent Defense Commission:

Since the last Texas Judicial Council meeting on September 7, the Texas Indigent Defense Commission has had two meetings, a strategic planning session (October 3-5) and a Grants and Reporting Committee meeting (November 1). The next Commission meeting will be December 13.

Strategic Planning. 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 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.



Above, left to right, Oct. 3, Bastrop:
Judge Underwood, Bryan Wilson, Jim
Bethke, Trev Marchbanks



Above, left to right, Oct. 4, Bastrop: David
Slayton, Judge Weiser, Jim Bethke, Judge
Keller, Knox Fitzpatrick, Judge Underwood,
Judge Whitley

Study complete! Wichita County Public Defender Office: An Evaluation of Case Processing Client Outcomes, and Costs. After the strategic planning meeting, the Commission and Wichita County jointly released a study 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](http://www.txcourts.gov/tidc/pdf/WichitaPDStudy101212.pdf). The actual URL on the Commission website is: <http://www.txcourts.gov/tidc/pdf/WichitaPDStudy101212.pdf>

Client Choice: Demonstration Project for Comal County. As you may recall, in May, Comal County officials agreed to move forward with the Commission on an innovative pilot project allowing indigent defendants to select the qualified attorney of their choice. Jim and other staff made several visits over the spring to meet with the County Judge, Magistrate, CCL Judges and court administrative staff and appeared before their County Commissioners regarding a resolution of support of the new program. Commission staff applied for a grant from BJA/USDOJ to fund the project but found out recently that the grant did not come through. To keep the momentum going and as an alternative way to fund it, the Commission voted at the strategic planning meeting to provide up to \$200,000 in a technical support grant to fund the design, implementation and impact assessment of the program, which will also include a new attorney training and mentoring program. This type of attorney appointment system, whereby the client actually chooses their own attorney, will be the first of its kind in the nation. This is a system that is utilized in other countries, in particular the United Kingdom and Canada. If the pilot is a success it would provide another type of attorney appointment system (besides public defender, rotation, managed assigned counsel, and contract defender) that could be replicated in other jurisdictions.

Upcoming application and reporting deadlines:

FY12 Indigent Defense Expenditure Report due November 1

FY13 Formula Grant applications due December 3

FY14 Discretionary Grant intent to submit applications due February 1

Upcoming indigent defense trainings schedule:

November 13, 2012 (2 hours: 10 a.m.-noon, location: Capitol Extension Auditorium)

Indigent Defense Workshop: Preview of the 83rd Legislature and Recent Developments

9:30 – 10:00 Registration in front of auditorium

10:00 – 10:10 Welcome and Opening Remarks

Presiding Judge **Sharon Keller**, Chair, Texas Indigent Defense Commission

10:10 – 10:30 ***Preview of 83rd Legislature: Legislative Appropriations Request*** – Presiding Judge **Sharon Keller**, Chair, Texas Indigent Defense Commission

Jim Bethke, Executive Director, Texas Indigent Defense Commission

10:30 – 10:50 ***Preview of 83rd Legislature: How State funding is making a difference*** –

Dr. Ana Yanez-Correa, Executive Director, Texas Criminal Justice Coalition

10:50 – 11:10 ***“Policy Perspective: Improving Indigent Defense in Texas”*** –

Vikrant P. Reddy, Policy Analyst, Center for Effective Justice, Texas Public Policy Foundation

11:10 – 11:30 ***Role of External Advocates in Improving Indigent Defense*** –

Andrea Marsh, Executive Director, Texas Fair Defense Project

11:30 – 11:50 ***Concluding Thoughts on the 83rd Legislature*** –

James P. Allison, General Counsel, County Judges and Commissioners Association of Texas

11:50 – noon Question and Answer with the Panel

For an electronic copy of agenda registration see: <http://www.txcourts.gov/tidc/pdf/Agenda111312.pdf>.

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

Primer on Indigent Defense and Funding for Newly Elected Officials

Description: 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

Event is in collaboration with Senator Ellis and the Texas Criminal Defense Lawyers Association.

Location: State Capitol, Extension Auditorium, Austin

Other Recent Publications

- [September 2012 e-Newsletter](#)
- [October 2012 Special Edition e-Newsletter](#)
- [Harris County Public Defender Office Preliminary Report](#) by Justice Center, The Council for State Governments (Dr. Tony Fabelo’s organization)

Staff activities/updates

Judge Keller and Jim Bethke testified at the Legislative Budget Board hearing ([link to broadcast](#)) regarding [TIDC's LAR](#) in late August. Chief Justice Radack and Chief Justice Brian Quinn were both in attendance and stated their support of our request. Ana Yáñez-Correa, Ph.D, of the Texas Criminal Justice Coalition (TCJC) also supported the Commission's request that the State should meet the counties part way in providing this critical funding. Click [here](#) to read TCJC's testimony, which also includes information on some of our past successes.

In late October Jim Bethke and Judge Keller met with staff from both the Lieutenant Governor's office and Speaker's office about the Legislative Appropriations Request (LAR).

Judge Keller and Jim Bethke attended the Criminal Justice Advisory Council meeting held at the Capitol on October 15. They were appointed to serve as Ex-Officio members in March 2012.

Jim Bethke and Judge Keller attended the Texas District and County Attorneys Association's Annual Criminal and Civil Law Update Sept. 19-21.

Edwin Colfax attended the National Indigent Defense Collaboration's Gideon Communication Strategy Meeting.

Bryan Wilson and Dominic Gonzales presented grant and reporting information at the 2012 Fall Conference of the Texas Association of County Auditors that was held in Kerrville October 10th.

Jim Bethke [presented to participants at the Texas Association for Court Administration](#) conference in Ft Worth October 25th.

Other news

Harris County's Veterans Court was featured on CBS' 60 Minutes program on October 14th. TIDC provided funding for the defender component of Harris County's program in FY2011. Click on image below to view the segment.

[Texas County Progress](#) provided coverage the Commission's August 1 Legislative Workgroup Meeting, including the reports of TIDC staff and the Texas Fair Defense Project.

Around the Nation

U.S. Department of Justice announced its awards to improve defender services for the poor.

<http://www.ojp.gov/newsroom/pressreleases/2012/ojppr092612.pdf> Only seven (7) awards were given out across the entire country and I am pleased to report that the Harris County Public Defender Office was one of the seven recipients. They received \$349,360 to establish a training, mentoring, and supervision program for new private lawyers representing indigent defendants, based on national principles, state guidelines, and best practices from around the country. This should prove to be an outstanding program benefitting the entire Harris County Criminal Justice and may be able to serve as model for the rest of the state. Unfortunately, the TIDC's *Client Choice: Demonstration Project for Comal County* grant was not funded.

The Justice Management Institute (JMI) published [Sustaining and Improving Public Defense with Data](#) (by Marea Beeman, JMI on behalf of the ABA's Standing Committee on Legal Aid and Indigent Defendants). This report relates directly to our goal to "Promote Local Compliance and Accountability with the Requirements of the Fair Defense Act through Evidence-Based Practices."