



TEXAS INDIGENT DEFENSE COMMISSION

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Presiding Judge, Court of Criminal Appeals

Vice Chair:
The Honorable Olen Underwood

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Executive Director:
James D. Bethke

Report from the Texas Indigent Defense Commission for September 18, 2015 Texas Judicial Council Meeting

Since the Texas Indigent Defense Commission's last report to the Texas Judicial Council on June 12, 2015, the Commission had a full Commission meeting on August 21st. The next Commission meeting will be on December 3rd.

As previously reported, in March the Commission received a grant award from the **Governor's Criminal Justice Division (CJD)** of \$100,000 to develop a model mentoring program for court appointed attorneys. The Commission has contracted with the **National Legal Aid and Defender Association (NLADA)**, which has recruited an advisory panel of national and Texas experts and has begun researching best practices and successful programs which will inform their preparation of the model implementation plan and curriculum. The resources developed through this project will be piloted in Travis County as part of the grant project and will be developed with the flexibility to be adapted by any Texas county. The program will build on what has been learned through the few private defense counsel mentoring programs in Texas, including those in Harris, Comal, and Bell Counties. The final report is expected by year-end.

2015 Biennial Submission of Indigent Defense Plans and New SB 1517 Requirements

In November of each odd-numbered year, every Texas county is mandated by the Legislature to submit to the Commission (1) a copy of its countywide indigent defense plan(s) and procedures and any revisions to the plans or forms previously submitted; or (2) a verification that the plans and forms previously submitted still remain in effect. The Commission has issued the [2015 Biennial Indigent Defense Countywide Plan Instructions](#) for plans that are due from counties on or before November 2, 2015. Staff is in the process of launching the website where counties will update their plans online, and a mail out is planned for September 10th, with e-mails going out to all administrative judges around September 15th.

[SB 1517](#) passed by the **84th Legislature** clarifies the procedures for appointment of counsel for a person arrested on an out-of-county warrant. Every county's adult indigent defense plan(s) will need to be amended to include provisions for transferring requests for counsel to the originating county and for ruling on such requests. A [description of the process and flowchart](#) are now available online and will be included in the mailed packets. In addition, plans must also now provide a method for a defendant who does not initially request counsel to do so later on. A new [administrative](#)

[rule](#) requires each plan to include the process for such a defendant to request counsel and obtain a ruling on the request. The Commission has issued sample language in the plan submission instructions to help counties update their plans.

Grant Award to Fund Public Defender Program in Willacy County

On August 21, 2015 the Commission awarded a two-year grant for \$313,308 to provide funding for the **Willacy County Public Defender Office (WPDO)**. Willacy County is currently facing a financial crisis due to the termination of a large Federal Bureau of Prisons contract with the Willacy County Correctional Facility. The funds awarded will permit the county to continue operating the program for the next two years and will cover half the cost of operating the program. The WPDO was created in 2007 with grant funds from TIDC and has been instrumental in maintaining Willacy County's compliance with the Fair Defense Act. The WPDO is operated by Texas RioGrande Legal Aid (TRLA) under a contract with Willacy County. The funds will be used to join the existing regional public defender program currently administered by Bee County, which also contracts with TRLA, to serve as public defender in three counties: Bee, Live Oak, and McMullen. The Commission's award was made possible by the Legislature's appropriation of new General Revenue funding for indigent defense, as well as new authority provided to TIDC by the passage of **SB 1057**, which addresses sustainability grants to support regional public defender programs.

Recent Commission Publications

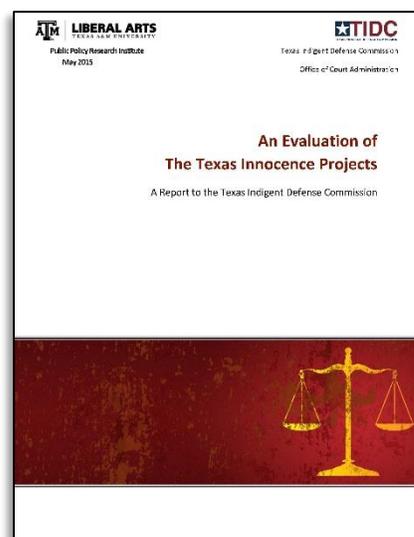
[2015 Summer Edition e-Newsletter](#)

[Special Edition e-Newsletter – Texas 84th Legislature](#)

[Willacy County Benefits from Innovative Partnerships](#)

[TIDC Awards Grant to Fund Public Defender Program in Willacy County](#)

[2015 Biennial Indigent Defense Countywide Plan Instructions](#)



[An Evaluation of The Texas Innocence Projects](#)

Articles and Media Featuring the Commission

[Bexar County PDO to provide attorneys for indigent mentally ill offenders at initial hearing](#) (Bexar County – June 2015)

[El Paso accepts funds for defending the poor, though not enough or permanent](#) (El Paso County – June 2015)

[Becky Bernhardt interview on Guidelines for Indigent Defense Caseloads](#) (July 2015)

[Bexar County Awarded Grant to Provide Attorneys to People with Mental Illnesses](#) (Bexar County - July 2015)

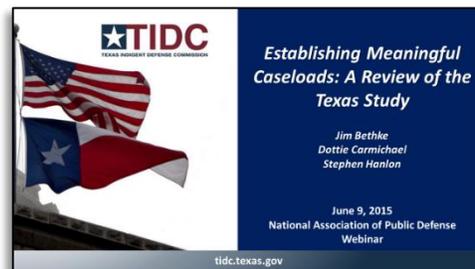
[Mentorship program preps Travis defense lawyers](#) (Travis County - July 2015)

[Saving money: Indigent Defense Commission awards grant to Willacy](#) (Willacy County - August 2015)

Indigent Defense Trainings and Events

Texas Center for the Judiciary, Professional Development Program (June 2015)

National Association of Public Defense webinar (June 2015)
[Establishing Meaningful Caseloads: A Review of the Texas Study](#)



Texas Association of Counties Legislative Conference (August 2015)
[Indigent Defense: Issues & Updates](#)

Across the State

[Legislature allocates \\$500K for expenses related to Chris Kyle and Chad Littlefield trial](#)
[Travis County CAPDS – Lawyers for Poor Criminal Suspects Want Higher Pay](#)
[Texas Forensic Science Commission – FBI Allele Frequency Corrections and DNA Mixture Interpretation Issues in Texas](#)
[Bail Reform](#)
[County Jail Reform](#)

Around the Nation

[Senator Chuck Grassley Hearing on Right to Counsel in Misdemeanor Cases](#)
[When bail is out of defendant's reach, other costs mount](#)
[John Oliver targets bail bond industry on HBO's Last Week Tonight](#)
[Nevada Supreme Court bans use of flat fee contracts in provision of indigent defense services](#)
[NAPD Workload Committee](#)
[NLADA White Paper – Risk Assessments: What Defenders Need to Know](#)
[ACLU files suit in Fresno](#)
[ACLU sues Idaho; statutory changes too slow to implement](#)
[The Bail Trap](#)