



Report from the Texas Indigent Defense Commission for June 3, 2016 Texas Judicial Council Meeting

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

Vice Chair:
The Honorable Olen Underwood

Ex Officio Members:
Honorable Sharon Keller
Honorable Nathan Hecht
Honorable Sherry Radack
Honorable Brandon Creighton
Honorable John Whitmire
Honorable Abel Herrero
Honorable Andrew Murr

Members Appointed by Governor:
Honorable Olen Underwood
Honorable Jon Burrows
Honorable Linda Rodriguez
Mr. Anthony Odiorne
Mr. Don Hase

Executive Director:
James D. Bethke

Since the Texas Indigent Defense Commission's last report to the Texas Judicial Council on February 26, 2016, the Commission had a strategic planning session April 13th - 15th, a Grants and Reporting Committee meeting on June 2nd, and a full Commission meeting on June 2nd.

Symposium to Commemorate the 15th Anniversary of the Texas Fair Defense Act

On May 6th, the Commission co-sponsored the [Texas Fair Defense Act 15th Anniversary Symposium Celebration](#) with Senator Rodney Ellis, Texas Applesseed, The Texas Fair Defense Project, The Texas Criminal Justice Coalition, The University of Texas School of Law, George J. Beto Criminal Justice Center at Sam Houston State University, and Texas Defender Service. The event, held at the First Court of Appeals Courtroom in the Harris County 1910 Courthouse, was an opportunity to reflect on 15 years of new, innovative programs and on the challenges that lie ahead for improving indigent defense services. As part of the celebration, the Commission presented congratulatory resolutions to **Senator Rodney Ellis, Senator Juan "Chuy" Hinojosa, Ms. Andrea Marsh, Mr. Jack Stoffregen and Mr. Jim Allison** for their many years of dedication and efforts to improve indigent defense services in Texas.



Senators Ellis and Hinojosa delivering opening remarks



*Lisa Foster, Director of Access to Justice,
U.S. Department of Justice*

Keynote speaker Lisa Foster, Director of Access to Justice, U.S. Department of Justice discussed significant challenges related to appointing counsel in misdemeanor cases, attorney workloads, appointing counsel at a defendant's first appearance and bail, and assessing fines and fees, and how "...the collateral consequences of criminal convictions today – even for just fine-only misdemeanors – are significant." In addition, she echoed the belief that "[s]tatewide standards, state funding, transparency, accountability – those are the necessary prerequisites for an indigent defense system that lives up to Gideon's promise of equal justice for all regardless of one's economic station in life." The full text of Ms. Foster's address is available on the Department of Justice website [here](#).

Strategic Planning Session

The Commission conducted strategic planning on April 13th-15th to discuss legislative strategies related to governance of the Regional Public Defender Office (RPDO) and the upcoming Legislative Appropriations Request (LAR). The Commission also discussed key strategies for indigent defense improvement and accountability in the areas of attorney caseloads, indigent defendants' access to counsel and the timing of attorney appointments, and Article 15.17 hearings and bail schedules.

The Commission also held a board meeting on April 13th to consider several items of business, including a report on improvements in Hidalgo County attorney appointments in juvenile cases. The Commission previously voted at its December 3, 2015 meeting to withhold FY 2016 Formula Grant payments to Hidalgo County until the county addressed its distribution of attorney appointments in juvenile cases. Commission staff reported that the county has implemented changes that have corrected the issues and that all attorneys are now selected based on their position on the attorney appointment wheel. The Commission voted to release the previously withheld Formula Grant payments to Hidalgo County but is requiring the county to make monthly reports to Commission staff through FY 2017 for continued monitoring of appointments. CBS 4 News Rio Grande Valley covered the [story](#).



House Committee on Criminal Jurisprudence Hearing on Indigent Defense and Innocence Projects

In March, Jim Bethke testified at the House Committee on Criminal Jurisprudence public hearing about the constitutional requirements and local practices for the appointment of counsel to indigent defendants and about the operation of innocence projects at the state's six public law schools. The [Commission presentation](#), [Innocence Program presentation](#), a chart of [Exonerations by State-Funded Innocence Projects](#), and [an overview of FY 2015 Attorney Caseloads](#) are available, along with the [video of the hearing](#).

Texas Smart Defense Web Portal State Advisory Committee



The first meeting of the Texas Smart Defense Web Portal State Advisory Committee was held on April 28th. The Texas A&M University's Public Policy Research Institute (PPRI), in partnership with the Commission, received a [grant](#) from the U.S. Department of Justice to help develop a web-based interface that can communicate information about quality indigent defense to Texas jurisdictions, advocates, and policymakers at state and local levels. The group provided helpful feedback to the project team as it begins work on the project.

Staff News

Ms. Carmen Tellez has joined the staff as the Commission's summer law clerk. She is a 2L at the University of Texas School of Law, where she is a member of the Chicano/Hispanic Law Students Association and is the pro bono Expunction Project Lead. Ms. Tellez earned her Bachelor of Science degree in Forensic and Investigative Science at Texas A&M University.



Carmen Tellez
Summer Law Clerk

Recent Commission Publications



[2016 Winter Edition e-Newsletter](#) (February 2016)

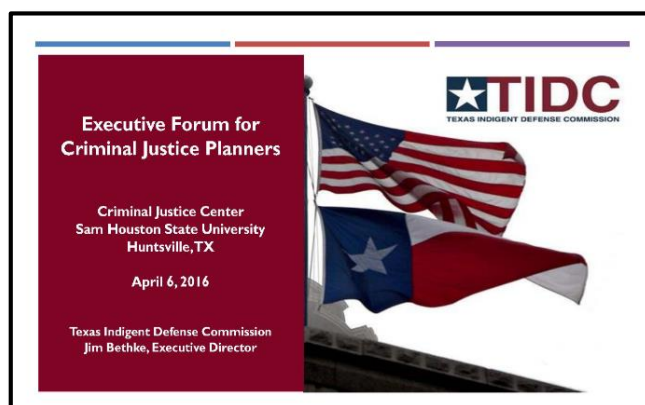
Indigent Defense Trainings and Events

[Waller County Commissioners Court briefing](#) (February 2016)

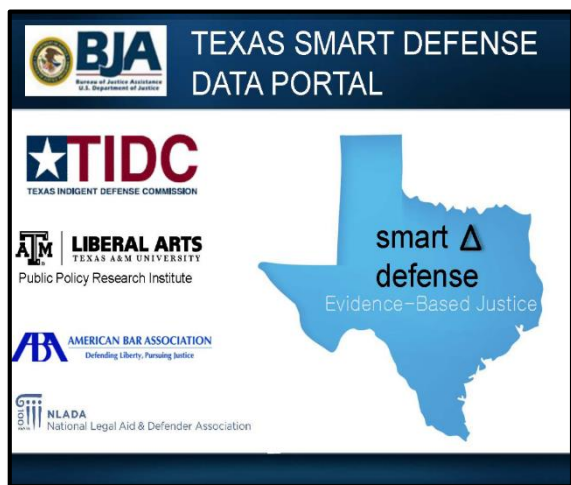
[Criminal Justice Division, Office of the Governor - Report on State of Indigent Defense](#) (April 2016)



[Texas A&M University School of Law - Ideas Worth Sharing: What do we mean by a "good" lawyer?](#)
(February 2016)



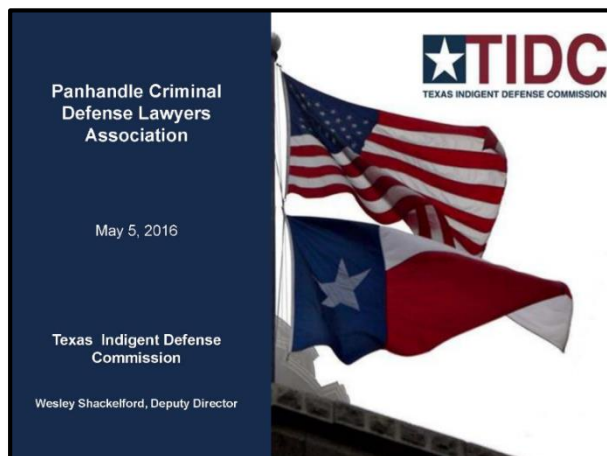
[Executive Forum for Criminal Justice Planners - Preview of 85th Legislative Session](#) (April 2016)



[Criminal Justice Planners – Smart Defense, Evidence-Based Justice](#) (April 2016)



[Texas Association of Pretrial Services Annual Conference & Training Institute - Pretrial Matters](#) (April 2016)



[Panhandle Criminal Defense Lawyers Association](#) (May 2016)



[Council of State Governments – West, Public Safety Committee Meeting - Indigent Defense Standards](#) (May 2016)

Articles and Media Featuring the Commission

[Texas Tech Law students represent rural indigent clients](#) (February 2016)

[Senator Ellis: Criminal justice reforms in Waller County](#) (February 2016)

[State Senator Rodney Ellis Visits Waller County, Asks Texas Lawmakers To Enact Criminal Justice Reforms](#) (February 2016)

[Review of Waller County legal system to mend reputation: Analyst evaluates compliance with state defense law](#) (March 2016)

[U.S. Department of Justice letter](#) about courts and their practices as they relate to indigents and, more specifically, about the assessment and enforcement of fines and fees in state and local courts (March 2016)

[Rep. Canales to push for key measures that protect Texans from wrongful convictions, defend woman and children from family violence](#) (March 2016)

[Indigent defense costs growing rapidly, remain insufficient](#) (April 2016)

[Decision on county's indigent defense grants expected Wednesday](#) (April 2016)

[Hidalgo County earns back grant funding for indigent defense](#) (April 2016)

[Texas Stakeholders Gather to Commemorate the 15 Year Anniversary of the Fair Defense Act](#) (May 2016)

Across the State

[County handcuffed to rising indigent defense costs](#) (Wichita County – February 2016)

[Expanding the Bexar County Public Defender's Office Has Not Been Easy](#) (Bexar County – March 2016)

[Indicted Crystal City manager lands public-defense work](#) (Bexar County – March 2016)

[Attorney review stalled amid Public Integrity Unit funding struggles](#) (Travis County – March 2016)

[Buzzfeed on TX muni courts as revenue generators](#) (City of El Paso - April 2016)

[Lawsuit accuses El Paso of operating debtors prison for Texans who can't pay traffic tickets](#) (City of El Paso – April 2016)

[Harris County has a lot more to do to fix unfair justice system](#) (Harris County – April 2016)

[Travis County service gives indigent clients top level defense](#) (Travis County – April 2016)

Around the Nation

[American Bar Association Summit on Public Defense](#) (February 2016)

[U.S. Rep. Ted Lieu introduces "No Money Bail Act of 2016"](#) (California's 33rd Congressional District - February 2016)

Related article: [Debtor's prison in 21st-century America](#) (February 2016)

Related article: [End the cycle of debt for indigent defendants](#) (February 2016)

[When the Public Defender Says, 'I Can't Help'](#) (Louisiana - February 2016)

[Louisiana Campaign for Equal Justice](#)

[Survey: Few courts require lawyers for poor in critical early state](#) (Michigan - February 2016)

[Public defense reform bill introduced, ACLU says it's not enough](#) (Utah - February 2016)

[The Nobility of Good Lawyers with Bad Clients](#) (Oregon - February 2016)

[Pretrial Justice Institute \(PJI\) and the Right to Counsel National Campaign](#) (March/April 2016)

[Right To Counsel \(R2C\) Newsletter](#) (March 2016)

Including [The Colorado Bail Book: A Defense Practitioner's Guide to Adult Pretrial Release](#)

and [Launch of a National Task Force on Fines, Fees and Bail Practices](#)

[NYSAC: State Budget Should Assume Indigent Defense Costs](#) (New York – March 2016)

[40 years after Gregg v. Georgia: A National Conference on the Death Penalty](#) (March/April 2016)