

Texas
Judicial
Academy

2009 Fall Judicial Session
Texas Judicial Academy

Wednesday, November 18, 2009

2:30 – 3:45 pm

“Fair Defense Act: Update and Implementation”

Dominic Gonzales
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Texas Task Force on Indigent Defense

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Texas Task Force on Indigent Defense



Task Force on Indigent Defense

Fall Judicial Education Session
November 18, 2009

Dominic Gonzales, Grant Program Specialist
Jennifer Willyard, Grant Program Specialist

<http://www.courts.state.tx.us/tfid>

DG1



<http://www.courts.state.tx.us/tfid>

Presentation Overview

- Task Force Overview
- FDA Requirements
 - 2009 Biennial Submission of Plans
- Solutions for Improving Indigent Defense

DG12



<http://www.courts.state.tx.us/tfid>

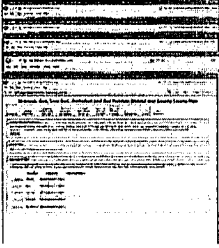
Task Force Brief Background

- January 2002, Texas Fair Defense Act (FDA) becomes effective after the 77th Texas Legislature
 - Indigence Determination/Consideration of Bail
 - Waiver of Counsel
 - Time-frames for appointment of counsel
 - Attorney Selection Methodology
 - Attorneys Fees
 - Experts and Investigators
 - Indigent Defense Plan

PGS <http://www.courts.state.tx.us/tfid>

2009 Biennial Submission of Plans

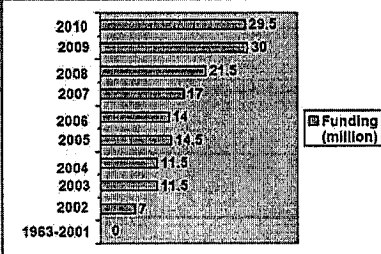
TFID Improved the Process



- Saves work
- Easier to update
- Task Force Templates
- Able to upload pre-existing forms
- Submitting/Approving plan is easier

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Increasing Revenue



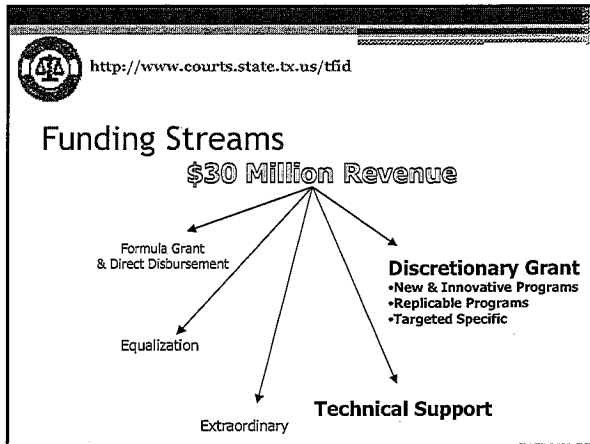
Year	Funding (million)
2010	29.5
2009	30
2008	21.5
2007	17
2006	14
2005	14.5
2004	11.5
2003	11.5
2002	7
1963-2001	0

Funding (million)

PGS <http://www.courts.state.tx.us/tfid>


Task Force Brief Background

- Task Force (TFID) is established as a result of the Fair Defense Act
- Our Mission
 - **IMPROVE** the delivery of indigent defense services statewide through:
 - State Money (Grants)
 - Providing Professional Support, and
 - Monitoring Performance




- DG7
-
- http://www.courts.state.tx.us/tfid
- ### Cameron County, 2008
- Delay in appointments
 - Statutory requirement (urban counties): 24 hours + 1 working day
 - In practice: 66 days (non-bonding misd.) to 70 days (non-bonding felonies)
 - Lack of attorney coordination
 - High caseloads
 - Indigent Defense Plan did not describe current practice

- DG8
-
- http://www.courts.state.tx.us/tfid
- ### Cameron County, Recommendations
- Establish pre-trial services program
 - Fixed standard of indigence
 - Handle all requests for counsel
 - Abolish contract defender
 - Rotational system for conflict
 - Manage caseloads
 - Single attorney for multiple charges
 - Update indigent defense plan

PG9
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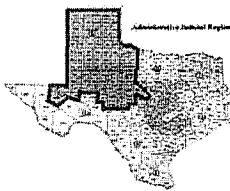
Cameron County, 2009


- Pre-trial services program established
 - 7 employees plus director
 - Determined financial standards of indigence
 - Counsel timely appointed in 84% of cases
- Rotational system established
 - Most contract attorneys joined list
 - Added several new attorneys
- Coordinated attorneys for multiple charge defendants
- Indigent defense plan updated

PG10
 <http://www.courts.state.tx.us/tfid>

West Texas Regional Public Defender for Capital Cases

- "Murder Insurance Policy"
- Serves 75 counties in 7th and 9th Administrative Judicial Regions




PG11
 <http://www.courts.state.tx.us/tfid>

West Texas Regional Public Defender for Capital Cases

- "Murder Insurance Policy"
- Serves 75 counties in 7th and 9th Administrative Judicial Regions
- Promotes quality counsel without full blown cost


PG12



<http://www.courts.state.tx.us/tfid>

West Texas Regional Public Defender for Capital Cases


- Critical elements
 - Judicial leadership
 - Supportive bar
 - Dedicated board
 - Hire a good chief



<http://www.courts.state.tx.us/tfid>

Break-Out Session

- Indigent Defense Issues?
- Causes?
- Solutions?
- Alternative Resources?



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