Indigent Defense

Texas Judicial Academy
Judicial Orientation for New County Judges
Lubbock, Texas

January 31, 2019

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Texas Indigent Defense Commission
How We Got Here

- 1791 – Bill of Rights + 6th Amendment
- 1963 – Gideon v. Wainwright
- 1999 – Study of TX Indigent Defense
- 2001 – Fair Defense Act and Task Force
- 2011 – Texas Indigent Defense Commission
What We Do

Oversight
- ID Plans
- ID Expenditure Report
- Policy Monitoring
- Fiscal Monitoring

Improvement
- Training
- Publications
- Presentations
- T.A.

Funding
- Formula Grants
- Improvement Grants
- Innocence Projects
FY18 TIDC Grants to Counties

$23.3 million Formula Grants

$6.7 million Improvement Grants
TIDC Improvement Grants

• Encourage innovation
• Build new systems to improve access, accountability, and quality
• 20 new Public Defender Offices
• 3 new Managed Assigned Counsel Programs
Pre-FDA 2001

Counties with PD Offices
Post-FDA 2018
Counties with PD Offices, Managed Assigned Counsel

- Counties with a Public Defender
- Counties with a Managed Program
- Both Public Defender and Managed Assigned Counsel Program
Lubbock Regional Public Defender Office for Capital Cases (RPDO)

- Serves 183 counties
- State-County cost sharing
- Ensures effective representation in the most serious and complex cases
## Oversight Program

<table>
<thead>
<tr>
<th>Financial</th>
<th>Policy</th>
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<td><strong>Breadth</strong></td>
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<tr>
<td>Indigent Defense Expenditure</td>
<td>Indigent Defense Plan (ID Plans)</td>
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<td>Report (IDER)</td>
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<td>All 254 counties submit annual</td>
<td>All 254 counties submit biennial ID Plans.</td>
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<td>IDERs.</td>
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<td><strong>Depth</strong></td>
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<tr>
<td>Fiscal Monitoring</td>
<td>Policy Monitoring</td>
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<td>1 Fiscal monitor audits counties’</td>
<td>4 policy analysts monitor counties’</td>
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<td>indigent defense spending.</td>
<td>legal compliance.</td>
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**TIDC**

TECHNICAL INSTITUTE FOR DEFENSE COMMISSION
Core Requirements:

- Prompt and accurate magistration hearings
- Develop a Standard of Indigence and Process to Determine Eligibility
- Minimum Attorney Qualifications
- Timely Appointment of Counsel
- Fair, neutral, and non-discriminatory attorney selection process
- Reporting itemized defense expenses and case information
FRONT END PROCESSING ISSUES

**Issue 1:** Defendants are not individually asked if they want to request counsel

**Issue 2:** No assistance w/ affidavit

**Issue 3:** No timely transfer of request

**Issue 4:** No ruling on request; No documentation of denial of indigence

**Issue 5:** Pre-case filing events not centrally tracked, so timely processing not determinable

**Issue 6:** Uneven distribution of appointments to assigned counsel / high caseloads of appointed counsel
Technical Assistance

• Feasibility studies to implement new systems in counties
• Publications on establishing and operating indigent defense systems
• Model forms
• Trainings throughout the state
TIDC Priorities

- Greater funding
- Better quality, data, accountability, efficiency
Questions

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