



Chair:

The Honorable Sharon Keller
Presiding Judge, Court of Criminal
Appeals

Ex Officio Members:

The Honorable Nathan Hecht
The Honorable John Whitmire
The Honorable Brandon Creighton
The Honorable Joseph "Joe" Moody
The Honorable Andrew Murr
The Honorable Sherry Radack
The Honorable Linda Rodriguez

Members Appointed by Governor:

Mr. Alex Bunin
The Honorable Jon Burrows
The Honorable Richard Evans
Mr. Don Hase
The Honorable Missy Medary

Executive Director:

James D. Bethke

Report from the Texas Indigent Defense Commission for September 29, 2017 Texas Judicial Council Meeting

Since the Texas Indigent Defense Commission's (TIDC) June 30 report to the Texas Judicial Council, the Commission announced the grants awarded during its June 29 full board meeting through a [press release](#), which highlighted the creation of the Far West Texas Regional Public Defender Office as well as the El Paso Public Defender's Mental Health Unit. On August 24, the Commission held a Policies and Standards Committee meeting and a full board meeting. The Committee met to discuss potential monitor findings on withdrawals of request for counsel and to consider publishing the instructions for the biennial submission of Indigent Defense Plans. The Commission met to consider the FY18 TIDC budget, grant awards and modifications, publication of the FY18 Formula Grant program Request for Applications and the FY17 Indigent Defense Expenditure Report Manual, and to discuss the motions passed during the Policies and Standards Committee meeting. In addition, the board increased the FY17 Formula Grant awards to mitigate the expected reduction in spending authority the FY18-19 biennium.

Legislative Update

On June 15, Governor Greg Abbott signed **SB 2053** into law, which reallocates certain consolidated court costs to the Fair Defense Account. SB 2053 is expected to generate **an additional \$15 to \$17 million per year**. While TIDC will not be able to spend this influx of funds in FY18/19 biennium or until state leadership gives it approval to do so, the increase of \$30 to \$34 million over the biennium is the single largest increase to the Fair Defense Account ever — about a 50% increase. However, since the bill became effective upon the governor's signature in June there has been approximately \$3 million extra deposited into the Fair Defense Account. This influx was a significant factor in the ability of the board to increase the FY17 Formula Grant awards.

Staff Update

On July 10, staff welcomed our third summer law clerk, **Rachel Gartman**. A rising 3L at the University of Texas School of Law, Rachel describes herself as “bright-eyed and bushy-tailed” about securing effective representation for those least able to secure it for themselves. She participates in Interscholastic Mock Trial, the Expunction Clinic, and the Actual Innocence Clinic. Before law school, Rachel graduated *magna cum laude* from the University of Houston with a degree in Anthropology and Linguistics. Her less academic pursuits include crafting large, colorful papier-mâché animals and Brazilian Jiu-Jitsu.



On September 18, **Morgan Shell** joined the Commission as our newest Policy Analyst. Morgan recently graduated from the Texas Tech University School of Law in May 2017, where she was an articles editor of the *Texas Tech Law Review*. She grew up in Marble Falls and attended the University of Denver where she earned her Bachelor of Arts degree in International Studies with a concentration in Security and Conflict Resolution and a minor in Spanish. She was also a member of the Denver Women’s Basketball Team. Before law school, Morgan was an English tutor in Madrid, Spain. She later worked for Richardson + Burgess LLP and Shell & Shell Attorneys at Law. Morgan previously worked for TIDC as a legal extern from the Texas Tech University School of Law Regional Externship Program.



Indigent Defense Workshop

On September 21 and 22, staff held the Indigent Defense Workshop [Catalyst for Change: Building Off What's Working and Changing What's Not](#), where we reviewed recent developments and considered opportunities to improve the state’s indigent defense system with elected officials, attorneys, public defenders, indigent defense coordinators, and court administrators. The panels focused on successful indigent defense systems in Texas, such as Managed Assigned Counsel programs, and significant changes to improve El Paso’s criminal justice system, which included presentations by El Paso officials including Alma Trejo, Judge of County Criminal Court at Law #1, District Attorney Jaime Esparza, County Commissioner Vince Perez, and Deputy Public Defender Bill Cox.

Commission Publications

[Special Edition Indigent Defense Newsletter](#) (June)

[Kenedy County Fiscal Monitoring Report](#) (June)

[Limited Scope Policy Monitoring review of Galveston County](#) (June)

[Policy Monitoring Follow-up Review of Childress County](#) (July)

Primer on Managed Assigned Counsel Programs (September)

Indigent Defense Trainings and Events

30th Annual Rusty Duncan Advanced Criminal Law Course (June)

- Presentation: [Indigent Defense Legislation and Implementation](#)

Statewide Behavioral Health Coordinating Council Meeting (July)

Staff Development Day (July)

ACT Smart Indigent Defense Web Portal Pilot County Planning Meeting (July)

Indigent Defense Research Association Meeting (July)

Regional Public Defender Office Oversight Board Meeting (July)

Texas Behavioral Health Institute (July- August)

Lampasas County Pre-trial Services Meeting (August)

National Legal Aid & Defender Association's Third Meeting of the Defender Research Consortium (September)

- Presentation: [Texas Smart Defense Data Portal](#)

TIDC Indigent Defense Workshop: *Catalyst for Change* (September)

Recent Articles and Media

ACROSS THE STATE

[Harris County's rollout of new bail system faces delay](#) (July)

[Commissioners Discuss Justice System Holdup](#) (July)

[County Tax Increase Likely](#) (August)

[The Public Safety Case for Bail Reform](#) (August)

[Brown County Commissioners Propose Tax Rate Hike](#) (August)

[County Pushes for 3-Cent Property Tax Increase to Avoid Bankruptcy](#) (August)

[County Seeks \\$1.2 Million Help from the Governor for Capital Murder Cases](#) (August)

[Frustrating County Budget Process Culminates with Tax Increase Vote Tuesday](#) (August)

[Commissioners Approve \\$96.3 Million Budget, 45.11 Cent Tax Rate](#) (August)

[Bail Relief Program Aims to Reduce St. Joseph County Jail Population](#) (September)

[Houston Changes to Bail Bonds Rules Threaten Industry](#) (September)

[A Rare Opportunity Moment for Bail Reform](#) (September)

[Social Costs of Incarceration in Houston are High](#) (September)

AROUND THE NATION

[Baker Signs Bill to Compensate Lawyers for The Poor \(July\)](#)

[Judges Ordered to Set Affordable Bonds for Defendants Who Pose No Danger \(July\)](#)

[Missouri Inmate Argues Public Defenders Let Him Down, And the Court Will Listen \(July\)](#)

[Metro Public Defender's Office Creates 'Client Advisory Board' \(July\)](#)

[All Criminal Defendants Deserve the Best Defense Lawyers \(July\)](#)

[Nine Lessons About Criminal Justice Reform \(July\)](#)

[Oakland County Takes Michigan To Court \(July\)](#)

[Innocence is Irrelevant \(August\)](#)

[Unequal Justice Under the Law \(August\)](#)

[Lawsuit Against Public Defender Seems Near an End \(August\)](#)

[Editorial: Public Defender System on Ropes \(August\)](#)

[Justice for All? \(August\)](#)

[PTRs With No Bond Called 'Unconstitutional' by Deputy Public Defender \(August\)](#)

[Editorial: How the Poor Get Locked Up and the Rich Go Free \(August\)](#)

[Attorneys Work For Low Wages to Provide Fair Trial \(August\)](#)

[Opinion: Better Funding Public Defense \(August\)](#)

["Death is Different": How Attorneys Handle Capital Punishment Cases \(August\)](#)

[Post Bail \(August\)](#)

[Misdemeanor Defendants Facing Jail Time Not Told They Have a Right to Counsel, Bar Association Finds \(August\)](#)

[ACLU Sues Missouri, Claims Thousands Received Inadequate Legal Counsel \(August\)](#)

[One State's Bail Reform Exposes the Promise and Pitfalls of Tech-driven Justice \(September\)](#)

[Inside the Movement to Free People Who Are Only in Jail Because They Can't Afford Bail \(September\)](#)

[Fixing the Unfair Bail System is Worth the Costs \(September\)](#)

[New Mexico's Bail Reform Frustrates Prosecutors, Governor \(September\)](#)