Texas Indigent Defense Commission:
Helping Counties Implement What Works
For System-Wide Cost Savings
The **Texas Criminal Justice Coalition** is a non-profit, non-partisan organization dedicated to identifying and advancing effective solutions for Texas’ criminal and youth justice systems.

★ We conduct **policy research and analysis** on Texas justice systems.
★ We form **effective partnerships** with a range of organizations, such as the Texas Indigent Defense Commission.
★ We educate **key stakeholders** to promote effective management, accountability, and best practices.
Indigent Defense

Why you should care...

• A quality defense is an ESSENTIAL check and balance in the system.

• The provision of counsel is a basic principle for FAIR governance.

• Indigent defense is constitutionally required and THE LAW in Texas.

• Policy-makers need to know that supporting indigent defense is SMART for the whole system.
The Promise of *Gideon*

The promise in *Gideon v. Wainwright* (1963): Every person accused of a felony has a constitutional right to counsel regardless of wealth.

Extended in *Argersinger v. Hamlin* (1972): People accused of a misdemeanor with a penalty of incarceration also have a right to counsel.
Indigent Defense Before 2001

Delay in implementing the right to counsel in Texas reached crisis level by 2001:

• Defendants routinely waived their right to counsel.
• Appointed counsel lacked training and resources.
• Counties lacked standards, transparency, and continuity in practices.
• The system lacked substantive accountability.
• Counties had a significant lack of funding for indigent defense.
The Costs of Substandard Defense

Significant human costs accompany wrongful convictions:

• Loss of liberty for an innocent person
• Separation of families and loved ones
• Financial hardships and loss of support
• Justice denied for victims and their families
• Community costs: more victims and lack of trust in those responsible for justice
The Costs of Substandard Defense

Significant financial costs accompany a substandard defense system:

• Drain on State resources, with a total of $49.5 million paid to compensate exonerees

• Drain on county resources in unnecessary pretrial incarceration – approximately $2 million PER DAY across counties

• Risk of costly, protracted lawsuits such as Rothgery v. Gillepsie County
The Texas Fair Defense Act, 2001

The Fair Defense Act:

• Established essential requirements regarding appointment of counsel
• Required counties to adopt individualized plans for the delivery of indigent defense services
• Provided state funding to supplement county spending
• Created the Commission to distribute funds, provide support, develop standards, and give oversight
The Commission

13 Board Members

7 Staff

$33 Million in Grants Distributed Annually

Representing 17% of Defense Expenses

Covering 30% of the Increase in Expenses

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Strategies for Success

1. Respect for Local Control
2. Meaningful Collaboration
3. Transparent Government
Respect for Local Control

Significant Diversity Among Texas’ 254 Counties

Commission Provides:

- Funding assistance
- Technical support
- Plan models
- Sample forms

Counties Decide:

- Type of defense delivery
- Indigency standards
- Attorney compensation
- Specialized programs

Empowering Counties with Tools for Success!
Cameron County’s continued improvement is the result of the county’s willingness to make the administration of justice more efficient while meeting the requirements of the law and doing what is morally right. We could not have done it without the help of the Texas Indigent Defense Commission and the guidance of its Commission members.”

– Judge Arturo Cisneros Nelson

138th District Court
Respect for Local Control

Travis County, Mental Health Public Defender

- Opened in 2007, it is the first freestanding mental health public defender in the nation.
- Its holistic approach integrates legal representation with intensive case management.
- It has safely reduced jail time, increased dismissals, and lowered recidivism rates.
- It has served as a model for Bexar, Dallas, El Paso, Fort Bend, Harris, Limestone, Lubbock, and Montgomery Counties.
Meaningful Collaboration

Bringing Together Stakeholders and Forging Partnerships

“It is good having an agency that is open and welcomes participation from all stakeholders in the criminal justice system. This has allowed Texas to avoid some knock-down drag-out policy battles that could have occurred if the [Commission] had taken an adversarial approach, which can be counter-productive in the area of policy.”

– Shannon Edmonds, Staff Attorney
Texas District & County Attorneys Association
Meaningful Collaboration

Regional Public Defender Offices

Regional Public Defender Office for Capital Cases: Provides investigative, expert, and capital representation to 155 counties, and offers budget predictability and significant cost savings.

Caprock Regional Public Defender Office: Provides rural counties – which often lack even basic indigent defense services – with quality misdemeanor, felony, and juvenile representation.
Meaningful Collaboration

US DOJ, John R. Justice Grant

Brought together unlikely allies, resulting in $700,000 in federal funds to assist attorneys working in the justice system.

Timothy Cole Advisory Panel on Wrongful Convictions

Convened diverse stakeholders to study wrongful convictions and recommend system reforms.
Transparent Government

Balancing Flexibility with Responsibility

The Commission works with counties to report indigent defense expenses, and it makes the information available to the public and policy-makers.
“FIDO” tracks essential information including:

- Defendant profiles
- Indigency determinations
- Attorney assignments
- Case-processing information
- Attorney hours
- Fee payments
The Commission brought together stakeholders and experts to form an important working group that adopted rules to increase **fairness, consistency, and transparency** in Texas’ attorney appointment process.
Transparent Government

The Commission’s Website
Commission Accomplishments

✓ Increased the number of public defender offices from 7 to 19.
✓ Expanded the number of counties being served by a public defender office from 7 to 155.
✓ Created 79 new defense-related programs in Texas counties.
✓ Increased the number of indigent people provided indigent defense representation by 45 percent.
✓ Decreased jail populations in several Texas counties, creating cost savings and fewer lifelong collateral consequences for system-impacted individuals.
✓ Resulted in the exoneration of 10 people, via Commission-funded innocence projects at Texas’ public law schools.
Support Indigent Defense

Help counties meet constitutional requirements AND invest in cost-saving strategies.

• Restore funding and authority to use all previously designated sources of revenue.

• Close the unfunded gap for the provisions of the Fair Defense Act with General Revenue.
Contact Us

We are a resource to you!

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