



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

**EX OFFICIO MEMBERS:**  
Honorable Sharon Keller  
Honorable Nathan Hecht  
Honorable John Whitmire  
Honorable Brandon Creighton  
Honorable Joseph "Joe" Moody  
Honorable Reggie Smith  
Honorable Sherry Radack  
Honorable Vivian Torres

**MEMBERS APPOINTED BY GOVERNOR:**  
Mr. Alex Bunin  
Honorable Richard Evans  
Mr. Jay Cohen  
Honorable Missy Medary  
Honorable Valerie Covey

**EXECUTIVE DIRECTOR:**  
Scott Ehlers

## Report from the Texas Indigent Defense Commission (TIDC) for the November 3, 2023 Texas Judicial Council Meeting

This report primarily covers TIDC’s work from June 1—September 30. If you would like additional information, please contact Executive Director **Scott Ehlers**: (512) 936-6994 or [SEhlers@TIDC.Texas.Gov](mailto:SEhlers@TIDC.Texas.Gov).

### TIDC Board and Committee Meetings

The TIDC Grants and Reporting (G&R) Committee met on June 28 to review pending FY24 Improvement Grant applications and develop recommendations for the Full Board. The TIDC Full Board met the following morning, June 29 to discuss



recommendation from the G&R Committee and for updates from the Funding, Improvement, Oversight, and Research teams. The Board awarded over \$63 million in grant funding to support indigent defense in the state. The awards include \$3.5 million in new Improvement Grant programs, over \$22 million in continuing Improvement Grants, and over \$37 million for two years of grant funding to support indigent defense representation related to Operation Lone Star. Notable new Improvement Grant programs include a thirteen-county **High Plains Rural Regional Public Defender Office** administered by Hale County in the Texas Panhandle, a four-county **Crossroads Regional Public Defender Office** administered by Victoria County near the Gulf Coast, and a **Grayson County Managed Assigned Counsel Program** in North Texas on the Texas-Oklahoma border.



The TIDC Grants and Reporting Committee met again on August 21 to discuss pending Improvement Grant requests, modifications, and Extraordinary Grant requests. The TIDC Full Board met again on August 23 in Austin to discuss actions from the G&R Committee meeting and for updates from the Research, Improvement, and Family Protection Representation teams. The Board awarded over \$4.1 million in grant funding to support

indigent defense in the state. Highlights include:

- Approval of the FY24 budget.
- A \$3.4 million grant to Potter County to expand its two-county public defender office to include a total of seven counties, including: Armstrong, Carson, Deaf Smith, Donley, Moore, Oldham, and Potter Counties. Other counties in the area have expressed interest in joining in the future.
- Approval of a contract with the Public Policy Research Institute (PPRI) at Texas A&M University for an assessment of public defender services and resources in rural Texas. The legislatively mandated study will help identify funding limitations, attorney shortages, and other challenges faced by rural counties. The report will include recommendations to TIDC and the Legislature to help guide future funding and policy decisions.

- A report from **Dr. Sarah Gammell** on the upgrades to our data reporting website, including a new system to collect Family Protection Services Judicial Plans, which TIDC is required to collect pursuant to SB 2120.



The next TIDC full board meeting will be on December 7 in Austin.

In July, [Governor Greg Abbott](#) reappointed **Alex Bunin** and appointed **Jay Blass Cohen** to the Governing Board of the Texas Indigent Defense Commission. Mr. Cohen (right) is a criminal defense and personal injury attorney in private practice in Houston. He earned his law degree from South Texas College of Law after earning a Bachelor of Business Administration from Southern Methodist University in 2005. Mr. Cohen is taking the place of Mr. **Gonzalo Rios**, who I would like to thank for his service to TIDC since 2019.

### ***TIDC at the Texas Legislature***

The Legislature appropriated ([HB 1](#)) almost \$155 million to TIDC for the biennium, which is an increase of over \$30 million from our current appropriation. Almost \$80 million of that is General Revenue, which is unprecedented. .

Governor Abbott signed [SB 2120](#) by Senator Judith Zaffirini, which allows TIDC to provide services for the funding, oversight, and improvement of court-appointed legal representation for children and indigent parents in Department of Family and Protective Services (DFPS) cases. This bill implements the Texas Judicial Council's request made in a resolution adopted at their September 30, 2022 meeting that the Legislature establish a Family Representation Legal Program at TIDC.

[HB 409](#), by Representative Nicole Collier, adds either a managed assigned counsel director or a person with demonstrated expertise in indigent defense issues, and a magistrate judge to the Board of TIDC. Governor Abbott signed the bill into law in June.

The TIDC Omnibus bill, [HB 1528](#), unfortunately, died in the Senate. The bill was laid out by TIDC Board Member, Representative Reggie Smith, while another TIDC Board Member, Chair Joe Moody, was acting as Speaker of the House on May 4.



### ***FY24/25 TIDC Budget Summary***

- The Legislature appropriated **\$154,964,080** to TIDC for the FY24/25 biennium, an **increase of \$30,271,194** over the current biennium.
- The method of finance for TIDC's budget now includes **more than half from General Revenue**, with the balance coming from the General Revenue-Dedicated Fair Defense Account.
- **Approx. \$41 million** was included for indigent defense in Operation Lone Star cases.
- A new rider earmarks **\$5 million** for an assessment of public defender services in rural areas and providing new public defender services in those areas.
- The Legislature approved TIDC's request for an additional **6 FTEs**.

### ***Staff Update***

In addition to its normal monitoring, grants administration, and data collection, TIDC staff has been involved in the following:

- In October, the TIDC Board appointed Scott Ehlers as its permanent Executive Director. He had been serving as Interim Executive Director, as well as Director of Public Defense Improvement.
- TIDC said 'goodbye' to summer interns **Alexander Walheim** and **Gabriel Loya**. **Noah Aldea** from University of Texas Law continues interning with TIDC through November. TIDC has welcomed two Policy Analysts, **Natasha George** and **Ashley De La Garza**.

- TIDC staff met with Department of Justice Access to Justice Office Director **Rachel Rossi**, Communications and Public Affairs Director **Lauren Lambert**, and Senior Counsel **Annie Hudson Price** at TIDC on August 31. We shared all that TIDC is doing to build rural regional public defender offices, raise awareness at Texas law schools about the need for more public defenders and private assigned counsel, and implement TIDC's new duties related to family representation.



- Kristin Meeks traveled to Texas A&M University to participate in the [School of Law Public Defense Day](#) on September 14; the South Texas College of Law, the University of Houston Law Center, and Thurgood Marshall School of Law to present to law students on careers in public defense in Texas, September 19-21; and the Baylor University School of Law to discuss careers in Public Defense with law students on September 25.
- TIDC staff helped with the 4<sup>th</sup> Cohort of the [Future Indigent Defense Leaders \(FIDL\)](#) training program in San Antonio and Austin. FIDL is an elite and intensive training program that brings together private assigned counsel and public defenders to experience client-centered, state-of-the-art training. This program is sponsored by TIDC, the Texas Criminal Defense Lawyers Association, and the Harris County Public Defender's Office.
- TIDC staff just hosted the Indigent Defense Workshop last week at the Texas Association of Counties headquarters in Austin. TIDC has been hosting this conference for many years for county stakeholders to learn about indigent defense best practices and innovations.

- TIDC staff has traveled to Eagle Pass, Kendall County, Dallas County, Galveston, Ector, Maverick, and Lubbock for fiscal or policy monitoring visits.

- TIDC staff presented at several workshops and trainings, including the [36th Annual Rusty Duncan Criminal Law Course](#), the Public Defender Day training session at Rusty Duncan, the State Bar of Texas Child Protection Law Section’s annual meeting, the



Children’s Commission’s Legal Representation Committee Meeting, the Texas Center for the Judiciary’s annual conference for court professionals, the Child Protection Court Convening in Bastrop, the Galveston Criminal Justice Coordinating Council meeting, and the [Travis County Commissioners Court Work Session on the Public Defender Office \(PDO\) Oversight Board](#).

- TIDC staff attended and hosted regularly held meetings this quarter including the Concho Valley Public Defender Office Oversight Board meeting, the Texas State Agency Business Administrators' Association conference in Sugarland with Office of Court Administration finance staff, the Regional Public Defender Office for Capital Cases board meeting, the Indigent Defense Coordinator meet-ups, and the monthly Chief Defenders and MAC Directors meetings.

### ***Indigent Defense in the Media***

The included public defense articles are for informational purposes and do not constitute TIDC’s endorsement of a group or its views.

[TIDC June Board Meeting Press Release](#) (June)

[Travis County Tries to Fix Its Public Defense Problems](#) (June)

[Addressing legal inequities: Brazos County Public Defender’s Office makes strides in first months](#) (June)

[Texas opens jail for migrant women as arrests ramp up under Abbott's border operation](#) (July)

[VIDEO: Nueces County Public Defender's Office begins taking cases](#) (July)

[Office of the Texas Governor Press Release: Operation Lone Star Defends Texas' Right To Secure The Border](#) (July)

[ABA House OKs updated 10 principles for public defense; 'we cannot allow a two-tier system of justice'](#) (August)

[TIDC awards Potter County more than \\$3.4 million for new public defender office](#) (August)

[Commentary: Abbott's Operation Lone Star costs \\$400,000 per arrest \(by Geoff Burkhart\)](#) (August)

[Chronicle investigation brings scrutiny to Harris County indigent defense](#) (September)

[NLADA, BPDA, and ACCD Joint Statement on the New National Public Defense Workload Study](#) (September)

[PDO aims to bring equity, justice to county](#) (September)