

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

In Support of Appropriations Request for Improving Indigent Defense

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Texas Indigent Defense Commission (TIDC) is a permanent standing committee of the Texas Judicial Council, created under Chapter 79, Texas Government Code; and

WHEREAS, TIDC is charged with promoting compliance by counties with the requirements of state law related to indigent defense pursuant to the *Fair Defense Act of 2001*; and

WHEREAS, the right to counsel is guaranteed in the U.S. and Texas Constitutions; and

WHEREAS, the right to counsel attaches in criminal, juvenile delinquency, and child-welfare cases (Family Protection Representation); and

WHEREAS, numerous challenges remain in the Texas indigent defense system despite significant progress; and

WHEREAS, there are significantly fewer lawyers providing representation to indigent defendants and juveniles than in recent years and the remaining attorneys are older, nearing retirement, and carrying an excessive number of cases; and

WHEREAS, without focusing on recruiting and creating pipeline programs for newer indigent defense attorneys, counties will be faced with growing counsel shortages and constitutional challenges; and


WHEREAS, this issue is most acute in rural counties; and

WHEREAS, TIDC has fewer than 20 staff to oversee, fund, and improve indigent defense;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council recommends the

Legislature:

1. Appropriate \$12 million in General Revenue (GR) to address the revenue shortfall in the Fair Defense Account;
2. Appropriate \$8,941,793 in GR to reduce attorney shortages through a “pipeline program” consisting of internships, fellowships and loan repayment or scholarships for attorneys working in high need areas, which includes 1 FTE to implement and operate the program;
3. Appropriate \$47,548,803 in GR to operate TIDC’s Family Protection Representation program, which includes funds for grants to counties and 5 FTEs to implement and operate the program; and
4. Appropriate \$35 million in GR to increase TIDC’s capacity to fund new and expanded public defense offices.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council