



# **2007 Biennial Indigent Defense Countywide Plan Instructions**

**September 17, 2007**

## 2007 Biennial Indigent Defense Countywide Plan Instructions

Not later than November 1 of each odd-numbered year every county is mandated by the Texas Legislature to submit a copy of its countywide indigent plan(s) and procedures. These instructions govern the submission of the plans due to be submitted to the Office of Court Administration on or before November 1, 2007, pursuant to Section 71.0351, Government Code. As in the past, the plan submission process will consist of an online verification of the plans currently on file and electronic submission of any revised or new plan documents as a means of reducing unnecessary paperwork and costs to counties for complying with this requirement. You will not need to mail in any forms. Completion of this process is necessary for your county to maintain eligibility to receive grant funds awarded by the Task Force on Indigent Defense (Task Force).

The submission process must be completed online. Contact Wesley Shackelford, Task Force Special Counsel, if you need to request an on-line submission waiver at 512-936-6997.

If a person other than the recipient of this letter needs to obtain a user name and password contact The Texas A&M University Public Policy Research Institute (PPRI) – [PPRI manages the collection, storage and retrieval of data for the Task Force]. County officials contact Darby Johnson at PPRI through e-mail ([djohnson@ppri.tamu.edu](mailto:djohnson@ppri.tamu.edu)), fax (888-351-3485), phone (979-845-2003) or by regular mail:

Darby Johnson, PPRI  
314 H. C. Dulie Bell Building  
TAMU, Mailstop 4476  
College Station, Texas 77843-4476

PPRI will not provide user names and passwords over the phone. Individuals using personal e-mail accounts may be asked to provide additional information.

<b>Summary of Steps to Submitting the 2007 Biennial Countywide Indigent Defense Plan</b>	
1.	Log onto <a href="http://tfid.tamu.edu">http://tfid.tamu.edu</a>
2.	Update contact information for local officials and out of county arrest contacts as needed
3.	Select “Submit Indigent Defense Plan” on the left side of screen
4.	Select the level of court by checking box for each applicable court level
5.	Review plan checklist
6.	Review plan documents
7.	Submit changes to plan and forms (e.g. fee schedules, plans), if applicable
8.	Click the “Submit” button at the bottom of the screen

Below are the steps to complete the process:

- 1) **Log onto <http://tfid.tamu.edu>**
  - Enter your User ID and Password as supplied on the cover letter.
  - Sign in – The official responsible for submission of the plan (Local Administrative District Judge, Local Administrative Statutory County Court Judge/County Judge, and Chair of the Juvenile Board) or designee logs in to the website using a unique username and password. A designee may actually perform the tasks if permission to perform the transaction has been given by the appropriate judge.
- 2) **Update contact information for local officials and out of county arrest contacts as needed** – On the first page of county information, verify and update the contact information for the officials responsible for the plans and the out of county arrest contacts. Use the “Change” button when the person listed is no longer the designated official and also to change contact information for the person. The out of county arrest contact is the person who should be contacted to arrange for appointment of counsel in your county when a person is arrested in another county based on an arrest warrant or directive to apprehend issued in your county on behalf of your jurisdiction (District, County, or Juvenile Courts). This is intended to facilitate appointment being made by the county with jurisdiction for the case, thereby saving money by eliminating an additional appointment being made in the county of arrest. This information is posted on the Task Force website for easy access.
- 3) **Select “Submit Indigent Defense Plan” on the left side of screen** – The fourth major category on the column on the left side of the screen is “ID Plan.” The “Submit ID Plan” link is below that category. Open a new page by selecting the “Submit ID Plan” link.
- 4) **Select the level of court by checking box for each applicable court level** – Judges or their designees may submit individually for their level of court or coordinate and submit for all courts within the county. The Task Force depends on the local judicial officials to determine the process for plan submission among the various levels of courts in each county.
  - Single official and multiple counties - A single official may submit/verify plans for each county within the official’s jurisdiction, although the official will have to go to the homepage of each county to do so.
  - Single official and multiple court levels – Please check the appropriate box(es) for each level of court (district-felony criminal, county-misdemeanor criminal, juvenile) within your geographic jurisdiction on whose behalf you wish to report. A single official may submit/verify plans for each level of court in the county. This is intended to allow for the situation that exists in many counties where one judge takes the lead on the development, adoption, and submission of indigent defense plans and procedures for all court levels within their geographic jurisdiction. Therefore the other judges would not be required to also go on-line and submit/verify plans, even though they are statutorily designated as the responsible official.

- 5) **Review plan checklist** - Review the plan review summary checklist to determine if you have met all the eligibility requirements for grant funds. These measures are intended to encourage each county's compliance with statutory requirements and standards adopted by the Task Force. Counties that have blank check boxes in any category will not be able to receive funds until they meet all grant program eligibility requirements. All items are required to be eligible to receive FY 2008 grant or direct disbursement funds.
- 6) **Review plan documents/Archive Out of Date Documents**
- Review each of the plan documents currently on file with the Task Force by clicking on the underlined link to the document. If a document that we have posted is no longer current please click "Archive". We strongly encourage the officials in local jurisdictions to consider combining previously submitted plan documents into unified plans and re-submitting them. This is especially important for jurisdictions that have submitted a large number of amendments or supplements to their original plans since it becomes very difficult to piece together the whole indigent defense plan. Otherwise, leave the "Still Current" bubble checked for the file. Please submit any replacement document to the Task Force if you archive a document.
  - Please note that the 2002 plan document file contains *all* plan documents initially submitted by a county. If any of these plans are still current please resubmit the plan to us now and archive the 2002 plan. We will be reordering our display of plan documents to group them under one link for each court level (district, county and juvenile) and must archive the 2002 plan to make this possible.
- 7) **Submit changes to plan and forms (e.g. fee schedules), if applicable**
- New plan documents, including forms, may be submitted either electronically as an attachment to an email to [djohnson@ppri.tamu.edu](mailto:djohnson@ppri.tamu.edu) or by entering the text of the plan document into the text box below your existing plan documents. Please indicate in your email what county/counties and courts are covered by the documents. Alternatively, you may mail plan documents to Darby Johnson, PPRI, 314 H. C. Dulie Bell Building, TAMU, Mailstop 4476, College Station, Texas 77843-4476. If you mail any plan documents, then please send them along with a completed coversheet found at the end of these instructions (see page 5) clearly indicating what county/counties and courts are covered by the documents.
  - If a county adopts an alternative program for appointment of counsel under Article 26.04(g), Code of Criminal Procedure it must be approved by the presiding judge of the administrative judicial region. Indigent defense plans or plan amendments containing alternative programs must be submitted by the county to the presiding judge and the special counsel to the Task Force. The "default" system of appointing counsel is the rotation system. There are three exceptions to appointment using this type of system. First, a court may appoint the public defender to represent an indigent defendant.<sup>1</sup> Second, in felony cases a court may appoint an attorney from the appointment list of any county in the administrative judicial region, thereby increasing the pool of attorneys qualified for appointment in serious cases.<sup>2</sup> Lastly, a court may appoint an

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<sup>1</sup> TEX. CODE CRIM. PROC. art. 26.04(f).

<sup>2</sup> TEX. CODE CRIM. PROC. art. 26.04(i).

attorney under a countywide alternative program for appointing counsel.<sup>3</sup> Alternative programs may use a single method or combination of methods for appointing counsel, and may use a multi-county appointment list using a system of rotation. Appointments under an alternative program must also be reasonably and impartially allocated among qualified attorneys. An alternative program of appointment of counsel must be approved by a formal action in which two-thirds of the judges of the courts vote to establish the alternative program. After receiving the plan, the presiding judge would then send a notice approving or disapproving the plan to the county submitting the plan and to the Task Force. If approved, the Task Force will then post the plan, along with the presiding judge's approval, on the Task Force's website with the other plan documents for the county or counties covered by the plan. If the plan is disapproved, the plan will be held in the Task Force's file but not posted as the official plan for the county.

- If a new plan or form is submitted please follow step "6" to archive any documents replaced by the new submission. This is necessary to avoid having multiple conflicting plans visible on the Task Force website.

- 8) **Complete submission process** - At the conclusion of this process click the "Submit" button at the bottom of the screen. After clicking "Submit", the system will provide a confirmation page to the official submitting the plan(s) confirming that the plan verification/submission process has been completed. Print confirmation page for your records.

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<sup>3</sup> TEX. CODE CRIM. PROC. art. 26.04(h).



**OFFICE OF COURT ADMINISTRATION**  
**2007 BIENNIAL INDIGENT DEFENSE PROCEDURES REPORT – COVER SHEET**

COUNTY/COUNTIES \_\_\_\_\_

Submitted by:

Local Administrative District Judge/District Judge \_\_\_\_\_

**OR**

Name

Local Administrative Statutory County Court Judge/County Judge \_\_\_\_\_

**OR**

Name

Chairman of the Juvenile Board or Designee \_\_\_\_\_

Name

**PLEASE INDICATE THE COURTS COVERED BY THIS REPORT:**

Adult (Criminal) Court Plan(s):

- This is a **combined** report for all criminal courts in the county/counties.
- This is a **separate** report for the **District** Courts trying criminal cases in the county/counties.
- This is a **separate** report for the **County** Court and Statutory County Courts trying criminal cases in the county/counties.

Juvenile Court Plan:

- This is a report of the **Juvenile Board** for the **Juvenile** Courts trying juvenile cases in the county/counties.

Combined Criminal/Juvenile Court Plan:

- This is a **combined** report for all **Criminal and Juvenile** courts in the county/counties.

Please mail the Cover Sheet with all plan documents you wish to submit (including forms) to:

Darby Johnson, PPRI  
314 H. C. Dulie Bell Building  
TAMU, Mailstop 4476  
College Station, Texas 77843-4476

NOTE: Use this form **only** if you are submitting new or replacement documents by mail. This form is not necessary if you are submitting plan documents via email or through the PPRI website.