The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Lubbock County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by September 30, 2013. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

<table>
<thead>
<tr>
<th>Direct Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Personnel (Total Number of FTEs: _)</td>
</tr>
<tr>
<td>2) Fringe Benefits</td>
</tr>
<tr>
<td>3) Travel and Training</td>
</tr>
<tr>
<td>4) Equipment</td>
</tr>
<tr>
<td>5) Supplies</td>
</tr>
<tr>
<td>6) Contract Services $400,000</td>
</tr>
<tr>
<td>7) Indirect Costs</td>
</tr>
<tr>
<td>Total Proposed Costs $400,000</td>
</tr>
<tr>
<td>Less Cash from Other Sources- County Match $240,000</td>
</tr>
<tr>
<td>Total Amount Funded by Commission     $160,000</td>
</tr>
</tbody>
</table>

Standard Grant Conditions:
- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued on October 19, 2012, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently deobligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Required Conditions and Reports” contained in Attachment A.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts to include the program funded under this award and submit it to the Commission by December 31, 2013.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.
Attachment A

Required Conditions and Reports

Method of Calculation

The budget appearing in the Statement of Grant Award was developed under the assumptions that the grant be based on a 12-month period. In the first year of the grant the County utilized 90 percent of the funds and was provided an additional $864,796 to assist in attorney payments prior to the creation of the Managed Assigned Counsel program. In the second year the County will receive 60 percent of the original grant and an additional $504,465 paid over the 4 quarters. The schedule will return to 40 percent of the original application amount less startup costs in the third year (FY2014); and 20 percent in the final year (FY2015) if the Commission continues support.

Program Requirements

In addition to the program requirements stated in the Request for Applications (RFA) these specific program requirements apply to this funded program (Note: If the County contracts the public defender office to a non-profit corporation or governmental entity, then the corporation or governmental entity will ensure the following are performed):

— The County will continue to operate a Managed Assigned Counsel Program as defined in Article 26.047 of the Code of Criminal Procedure as amended by the 82nd Legislature. The County must meet all requirements of this statute.

— The County will submit reports to obtain reimbursement of expended funds based on actual expenditures. The reimbursements will be proportional to the county’s required match.

— This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that best reflects the actual work performed in this program and is consistent with the FY2012 application listed below as edited and agreed to. The County will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed.

— The county must maintain an Oversight Board to supervise the operation of this program. The county will submit a written policy on how the members are to be selected.

— The program’s Oversight Board is responsible for recommending to commissioners court the selection or approval of the non-profit entity to administer the program.

— All attorneys who participate in the Managed Assigned Counsel program must meet the minimum attorney qualifications contained in the Lubbock County Indigent Defense Plans for District, County, and Juvenile Courts. The process to add or remove attorneys from the program must similarly meet the requirements of the Indigent Defense Plan. The county will submit a written policy on how attorneys will apply, be added to, or be removed from a qualified appointment list.

— The county or its designee must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards should be provided to the Task Force staff along with the first quarterly progress report. The caseload standard policy should require the Managing Assigned Attorney to review actual caseloads at least quarterly. The Managing Assigned Attorney may make overrides or under-rides based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Managing Assigned Attorney must notify the program’s Oversight Board in writing if an exception to the caseload standards is authorized.

— The County or its designee must provide to the Commission staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.

— The Survey required in the Evaluation section of the FY2012 application listed below should be conducted during the 1st and 4th years of operation of the program. The county must summarize the results received back from the participants of the survey and discuss any improvements made to the program. The analysis of the survey results in the 4th year must compare the findings between the two survey events.
The County must provide a plan of data collection by the first progress report that includes a list of data elements that capture the work performed under this program or impact on the county’s compliance with the Fair Defense Act. This County must submit data collection agreements from county offices or departments to provide this data to the program director on a regular basis to measure the impact of this program.

Equipment costs listed in the first year start-up budget will not be carried forward into subsequent years of funding. If the County selects a non-profit corporation the proposal and the contract must include the method for funding equipment to operate the Public Defender Office that does not require the start-up costs to be included in the contract beyond the first year.

A draft of the Public Defender Office or Managed Assigned Counsel office Case Representation Policies and Procedures Manual must be provided to the Commission along with the 2nd quarterly progress report. A final version of the Policies and Procedures Manual shall be completed and delivered to the Commission along with the Final Progress Report for FY2013.

**PD Related**

The Public Defender’s Office will record attorney and support staff work time in a manner that allows for accurate completion of the Public Defender Addendum to the Indigent Defense Expenditure Report. Records must contain sufficient detail to appropriate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals).

**PD and MAC Related**

The County or its designee must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. In developing caseload standards, nationally recognized standards and standards used by other states shall be taken into consideration (such as National Advisory Commission on Criminal Justice Standards and Goals). The written policy for caseload standards should be provided to the Commission staff along with the first quarterly progress report. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may approve higher or lower caseloads than the adopted standard based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Chief Public Defender must notify the program’s Oversight Board in writing if an exception to the caseload standards is authorized.

The survey of local stakeholders required in the Evaluation section of the FY2013 application listed below should be conducted during the 2nd and 4th years of operation of the program. The County must summarize the results received back from the participants of the survey and discuss any improvements made to the program. The analysis of the survey results in the 4th year must compare the findings between the two survey events. The County must provide the Commission with a draft of any survey instrument for feedback before it is distributed and provide to the Commission a copy of the analyses of responses (not the unanalyzed survey responses).

The budget narrative contained in the original application is considered a template for actual cost if operated by the County. In case of the selection of a non-profit corporation to operate the program, the actual budget for the Lubbock County Award will be moved to the Contract Services Line Item. The County will require any proposer to itemize their budget to the county in its proposal as required in Article 26.044 PDO OR 26.047 MAC, Code of Criminal Procedure.

**Contract**

Grantees that use grant funds to contract for services must develop and include in the contract provisions to monitor each contract that is for more than $10,000 per year. These provisions must include specific actions to be taken if the grantee discovers that the contractor’s performance does not meet the operational or performance terms of the contract. In the case of contracts for public defender offices and managed assigned counsel programs, these provisions must include a review of utilization and activity, reporting of financial data to evaluate the contractor’s performance within the budget required by statute for such programs.

Contracts with third parties for core services under this grant must be provided to the Commission and approved prior to execution.
a. Application Form

Counties Represented: Lubbock
Fiscal Year: 2014
State Payee Identification Number: 1756001056016
Division To Administer Grant: Lubbock County Administrative Office of the Courts
Program Title: Felony and Misdemeanor Managed Assigned Counsel Program
Requested Grant Amount: $160,000
Financial Officer: Jackie Latham
Program Director: Dean Stanzione
Mailing Address: PO Box 10536; Lubbock, TX 79408

b. Introduction (Executive Summary)

Lubbock County seeks to improve the quality of representation to indigent adult defendants charged with a felony or misdemeanor by establishing Texas' first full-service managed assigned counsel program (MAC). The MAC would expand the MAC established in 2009 for mental health cases to the full caseload. The MAC would provide Texas a model, other than public defender, that utilizes all of the Principles of a Public Defense Delivery System. Through a contracted entity, indigent defendants would be provided with qualified attorneys and defense team members. The MAC would oversee the entire indigent defense process, ensuring quality representation and saving taxpayer resources.

c. Problem Statement

The American Bar Association has released the Ten Principles of a Public Defense Delivery System indicating that Principle 1 is: “The public defense function, including the selection, funding, and payment of defense counsel, is independent.” In Lubbock County, currently none of these functions are independent of the judiciary. Rather, Lubbock County's judiciary selects, requests funding and pays defense counsel. As stated in the ABA Principles, the current system lends itself to a perception, at the least, that political pressures have influence on defense counsel's efforts before those who approve payment on cases.

ABA Principle 6 states that "defense counsel's ability, training and experience match the complexity of the case." While Lubbock County has adopted requirements to be on certain level of criminal cases, counsel are generally assigned randomly from the appointment list regardless of the complexity of a case. This may or may not impact counsel's ability to perform on a case, but it is certainly a concern as it could impact a defendant's quality of representation.

ABA Principle 10 states that "defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards." This is likely one of the areas of greatest concern for the Lubbock County Judiciary. It is extremely difficult for a judge to perform this function without engaging in advocacy in individual cases. The current system does not lend itself to significant quality control and oversight. As a result, there may be defendants who are receiving services that are below a standard acceptable to the citizens of Lubbock County.

Lastly, the current ad hoc appointment system is not efficient. Despite significant efforts to improve upon the efficiency and quality of Lubbock County's indigent defense system, the ad hoc system has limitations that cannot be overcome. Specifically, there are up to ten separate Lubbock County departments who currently perform a part of the function of indigent defense delivery (i.e. Jail, Magistrate, Court Administration, District Court/County Court at Law, District/County Clerk, Auditor, Commissioners Court, Treasurer). Thousands of hours are spent annually by these departments delivering indigent defense. While not all of the departments would be eliminated if this program was implemented, the number of departments and the hours involved would decreased drastically as those functions are shifted to the managed assigned counsel program.

d. Objectives

In order to mitigate against the problems discussed previously, Lubbock County proposed the following specific objectives:
Objective 1: Establish a fully functional managed assigned counsel program (MAC) dedicated to representing indigent adult defendants charged with a criminal offense in Lubbock County - by January 1, 2012
Objective 2: MAC will establish attorney, investigator and expert performance standards - by January 2, 2012
Objective 3: MAC will monitor compliance with established attorney, investigator and expert performance standards - by October 1, 2012 and annually thereafter
Objective 4: For those individuals determined to meet financial eligibility, the court shall notify the MAC of the client's need for counsel - within 1 working day of receiving defendant's request for attorney
Objective 5: MAC will provide expert qualified counsel from the criminal defense bar to all defendants referred by the court, except those cases in which a conflict exists - within 1 working day of receiving information from the court
Objective 6: Assigned defense counsel will make initial contact with the client - not later than the end of the first working day after the date on which counsel is appointed
Objective 7: Assigned defense counsel will conduct initial interview with the client - not later than 3 working days after counsel receives notice of assignment to the client's case
Objective 8: MAC will review requests for investigators and expert assistance and make a determination on those requests (including assignment of investigator/expert if applicable) - within 2 working days of receiving request for assistance
Objective 9: MAC will review and approve fee requests by counsel, investigators and experts - within 5 business days of receiving fee request
Objective 10: MAC will distribute payments for approved services - within 5 business days of approval of fee request
Objective 11: Conduct a survey of judges to determine the opinion of the quality of representation by attorneys being provided through the MAC - by October 1, 2012 and annually thereafter
Objective 12: Produce an annual statistical report of activities for submission to the Lubbock County Judiciary and Commissioners Court - by March 1, 2013 and annually thereafter

e. Methodology or Project Design (Activities)

If awarded a grant to establish a managed assigned counsel program (MAC) for adult criminal cases, Lubbock County intends to follow the law and procedures as proposed in SB 170 and SB 1682 (82-R) and other applicable statutes.

1. Immediately upon notice that the County has been awarded the grant, an oversight board will be formed to oversee the MAC contract. The board will consist of a representative from the Lubbock County District Court, Lubbock County Court at Law, Lubbock County Commissioners Court, Lubbock Criminal Defense Lawyers' Association and Lubbock Regional MHMR, as well as others the Board feels necessary. The Board will be responsible for recommending to the Commissioners Court the appointment of the governmental entity, nonprofit corporation or bar association to operate the MAC. The Board will also oversee the development of a contract between the two entities.
2. The Commissioners Court will appoint the selected entity - by August 1, 2011
3. The appointed entity will make every attempt to hire an attorney director meeting at least the minimum qualifications for that position to begin employment on or about October 3, 2011.
4. The Director shall develop a written plan of operation including the information required in SB 1682 (82-R) and any other requirements listed in the contract with Lubbock County - by January 1, 2012.
5. The Director shall make every attempt to hire the staff needed so that they can begin employment on or about January 2, 2012.
6. The MAC shall begin accepting case referrals on January 2, 2012, and providing quality defense services in those cases as needed.
7. The MAC shall provide annual statistical reports detailing information from the plan of operation and other requirements listed in the contract with Lubbock County - by March 1, 2013 and annually thereafter.
8. The MAC shall assist the Administrative Office of the Courts in compiling performance reports for the discretionary grant - as requested quarterly.

f. Evaluation

<table>
<thead>
<tr>
<th>Task</th>
<th>Definition</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish Oversight Board</td>
<td>Representative of District Court, County Court at Law, Commissioners Courts, Criminal Defense Lawyers' Association, MHMR, and others as necessary</td>
<td>Date of orders establishing oversight board. Date of First Meeting of oversight board. (Copies of orders will be maintained as part of the grant file in the Administrative Office of the Courts; minutes of oversight board meetings will be maintained in the Administrative Office of the Courts)</td>
</tr>
<tr>
<td>Selection of Private Defender entity</td>
<td>Lubbock County Commissioners Court, after recommendation by Oversight Board</td>
<td>Date of recommendation and appointment by Commissioners Court (e-mail to TFID)</td>
</tr>
<tr>
<td>Job Descriptions completed</td>
<td>Job descriptions for each position in the</td>
<td>Date provided to TFID (by email).</td>
</tr>
<tr>
<td>Staff hired</td>
<td>Director, Lead Investigator/Mitigator, Accounting, Other Support Staff</td>
<td>Report indicating when each position is filled</td>
</tr>
<tr>
<td>Director start date</td>
<td>This position will set up the office.</td>
<td>Report the date employee is added to payroll</td>
</tr>
<tr>
<td>Software Setup</td>
<td>Set up case management and monitoring system</td>
<td>Date software is functional.</td>
</tr>
<tr>
<td>Staff start date</td>
<td>Lead Investigator/Mitigator, Accounting, Other Support Staff</td>
<td>Report indicating the date each employee is added to payroll.</td>
</tr>
<tr>
<td>Policies and Procedures complete and training provided to staff</td>
<td>A policy and procedure manual to identify basic office procedures, how office will function and various staff roles.</td>
<td>Date manual distributed to staff and staff trained.</td>
</tr>
<tr>
<td>Commence MAC representation.</td>
<td>Develop referral process from courts. Assist courts with submission of amendments to indigent defense plans if necessary.</td>
<td>Date that all plans are updated as necessary or contact made with courts.</td>
</tr>
<tr>
<td>Begin serving defendants.</td>
<td>Office receives referral from court.</td>
<td>Report the date first case is received from court.</td>
</tr>
</tbody>
</table>

**Outputs**

| Department Caseload | The number of active cases assigned to the MAC on the last business day of each month. | Monthly report detailing the department caseload. |
| Department Cases Disposed | The total number of cases closed during one month. | Monthly report detailing the number of disposed cases. |
| Average Caseload Summary | The department caseload divided by the number of attorneys assigned by the MAC on the last business day of each month. | Report average caseload for all attorneys by month. |
| Attorney Caseload Summary | The number of cases assigned to each attorney assigned by the MAC on the last business day of each month. | Report the number of cases assigned for all attorneys. |
| Average Cost per Case by MAC | The annual budget for the MAC, plus attorneys’ fees, divided by the annual disposed cases. | Report the average cost per case by year. |
| Percentage of total indigent cases (as identified during screening) filed that are assigned to the office | The number of cases assigned annually to the office divided by the total number of indigent cases filed | Report the percentage of cases assigned to the office. Report the number of cases that were conflicts. |
| Average Cost per Case by assigned counsel | For any cases assigned outside of the MAC, the total cost for counsel divided by the number of cases disposed by those private counsel. | Report the average cost per case by year. |

**Outcomes**

| Days from appointment to first contact with defendant | The number of days from the date the order of appointment is received until a contact is made with the defendant. | Report the average number of days between receipt of the order of appointment to the contact with defendant. Report the number of cases where the initial contact is made more than 1 working day after the order of appointment is received. |
| Days from appointment to initial interview contact with defendant (in jail only) | The number of days from the date the order of appointment is received until the initial interview is made with the defendant in jail. | Report the average number of days between receipt of the order of appointment to the initial interview with incarcerated defendant. Report the number of cases where the initial interview is made more than 3 working days after the order of appointment is received. |
| Type of disposition of cases | The type of disposition (dismissal, guilty plea or jury trial) in each case assigned to | Report the number of: 1) Dismissal |
| Type of Convictions | The type of conviction handed down in each case (if found guilty) assigned to the office | Report the number of cases where a defendant was convicted.  
Report the number of cases where a defendant was convicted for a lesser offense. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquittals</td>
<td>Cases assigned to the office where the jury finds the defendant not guilty at guilt/innocence</td>
<td>Report the number of cases where a defendant was found not guilty of any offense.</td>
</tr>
<tr>
<td>Type of Sentences</td>
<td>The type of sentence handed down in each case assigned to the office</td>
<td>Report the sentence for each case assigned to the private defender where a sentence is imposed.</td>
</tr>
</tbody>
</table>

**Survey of stakeholders**

Create a simple survey to be given to judges in Lubbock County. The survey should be conducted at the beginning of the grant period prior to services and annually thereafter. The survey should address the overall impressions of the quality of mental health indigent defense services from the office and from the private bar, as well as the financial impacts of such a case. Create a user survey to be distributed to clients of the office to gauge the overall satisfaction with representation. Report any change between the pretest and post-test, as well as annual changes. Report level of client satisfaction with office representation.

**Number of attorney evaluations conducted**

The number of attorney performance evaluations conducted by the Director based upon the approved attorney performance standards. Report the number of evaluations completed. Report the number of attorneys who have not received an attorney performance evaluation within the last year.

**Number of fee vouchers processed timely**

The number of attorney fee vouchers received and processed by the MAC. Report the number of fee vouchers received and processed by the MAC. Report the number of fee vouchers that were not approved within 5 working days of receipt of the request. Report the number of fee vouchers that were not paid within 5 working days of approval.

**Cooperate with Task Force staff on other measures necessary to show an effective office.**

To be determined.

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**g. Future Funding**

Assuming that the office proves effective at achieving the desired outcomes, Lubbock County will attempt to continue funding of the office out of general revenue after the grant expires, in accordance with state law. Lubbock County is committed to transitioning the indigent defense delivery system of the County to the managed assigned counsel system.

**h. Budget Narrative and Budget Form**

**CONTRACT SERVICES:** Since all costs will be expended by Lubbock County through a contract with the entity providing the MAC services, all funds will be placed in this line item. However, below is a justification for the contract services amount.

**Costs within the contract services amount:**

**PERSONNEL COSTS - $360,400**

4 FTEs, costing $265,000, as follows:

1. Attorney Director of the Managed Assigned Counsel Program (MAC) responsible for the implementation, development,
monitoring and administration of the office - Salary: $125,000
2. Lead Investigator/Mitigator responsible for the review of requests for investigators and mitigators and for the appropriate assignment thereof when needed; also oversees the performance of assigned investigators and mitigators - Salary - $65,000
3. Accounting/payroll personnel (2) - responsible for initially reviewing fee request vouchers and processing approved vouchers for payment; responsible for payroll for staff of the MAC - Average salary - $37,500 each

**Fringe Benefits @ 36% - $95,400**

*It should be noted that staff from the mental health private defender will be rolled into this office, including the Office Manager, Administrative Assistant and two caseworkers. Those positions are funded in a separate TFID grant. Their roles will not change, except that the Office Manager will report to the Attorney Director who will operate the entire program.*

**TRAVEL AND TRAINING - $7,600**
In order to allow the MAC staff to maintain high levels of professional excellence, $7,600 is being set aside for travel and training for professional development and professional memberships.

**EQUIPMENT - $17,000**
These funds will be utilized to provide office startup costs including furniture, computer equipment and other general office equipment. It should be noted that the equipment purchased for the mental health defender office will be utilized in this office and is being used to offset the cost of starting up the MAC office.

**SUPPLIES - $8,000**
These funds will be utilized for general office supplies for the MAC. It should be noted that the supplies funds from the mental health private defender grant will be used for that purpose, but will offset the cost of supplies for the MAC office.

**CONTRACT SERVICES - $7,000**
These funds will be utilized to contract for case management services through Defender Data or a similar software provider. Funds for rental space from the mental health private defender grant will be utilized to provide space for the MAC.

**Timeline for Reporting and Fund Distribution**
Reports will be submitted on-line over the Internet.

<table>
<thead>
<tr>
<th>Reporting Period</th>
<th>Type Report Due</th>
<th>Date Report Due</th>
<th>Fund Distribution Date</th>
</tr>
</thead>
</table>