



**Statement of Grant Award
FY2022 Improvement Grant**

Grant Number: OLS-22-004
Grantee Name: Lubbock Private Defender Office
Program Title: Phase II Indigent Defense for Operation Lone Star
Grant Period: 10/1/2021-9/30/2022
Grant Award: **\$9,582,598**

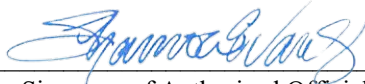
The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Lubbock Private Defender Office (herein, the Grantee) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission to accept the award. 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:

	Budget
1) Personnel - Salaries (Total Number of FTEs: 6)	\$387,000
2) Fringe Benefits	\$116,100
3) Travel and Training	\$41,500
4) Equipment	\$14,400
5) Supplies	\$6,000
6) Contract Services	\$9,000,000
7) Other – Office Space	\$17,598
Total Proposed Costs	\$9,582,598
Matching Funds	0
Total Amount Funded by Commission	\$9,582,598

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 in January 2021, 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 de-obligating 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 “Terms and Conditions” contained in Attachment A which includes the final grant application.

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



Signature of Authorized Official

Shannon Evans, Executive Director

Name & Title (please print)

October 14, 2021

Date

Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA), these specific program requirements apply to this program.

1. This grant was approved by the Texas Indigent Defense Commission (TIDC) at an emergency meeting on October 1st, 2021 pursuant to TIDC's grant-making authority described in 79.037(a), Government Code as modified by the 87th Texas Legislature in HB295.
2. **Pre-award costs directly related to the provision and/or coordination of indigent defense services in connection with Operation Lone Star as described in the application are eligible under this grant.** Texas Grant Management Standards, Appendix 7 states: "Pre-award costs are those incurred prior to the effective date of the state award directly pursuant to the negotiation and in anticipation of the state award where such costs are necessary for efficient and timely performance of the scope of work. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the state award and only with the written approval of the state awarding agency."
3. Grantee agrees to follow the Uniform Assurances and Standard Financial Management Conditions as detailed in the Texas Grant Management Standards published by the Texas Comptroller published January 1, 2020. Grantees that are not local governments must follow these standards unless exceptions are approved in writing by TIDC.
4. The grantee must develop a program policies and procedures manual, including, but not limited to, the following: caseload management and monitoring, access to support services such as interpretation, investigators, experts, and *Padilla* advisals, how attorneys will apply, be added to, or be removed from a qualified appointment list, appointment procedures, voucher review and approval procedures, and other procedures necessary to implement the program described in the application. The caseload policy must be consistent with research-based weighted caseload guidelines published by TIDC. The caseload policy must require the program director to review caseloads at least quarterly. The program director must notify TIDC in writing if caseloads exceed the adopted standard. A draft program policies and procedures document is due with the first quarterly progress report.
5. The grantee must provide to TIDC the minimum job requirements and a full job description of the staff positions specified under this project.
6. This grant requires quarterly progress reports to provide information on the operation of the program. The TIDC grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the report. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
7. TIDC has authorized advance grant payments under this award. The grantee must submit quarterly grant program expenditure reports based on actual expenditures. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
8. Only criminal indigent defense costs are eligible, including direct representation and support services related to criminal charges in connection with Operation Lone Star and indigent defense administration activities as described in the application related to Operation Lone Star.
9. Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.

10. Contracts with third parties for core services under this grant must be provided to TIDC and approved prior to execution.
11. 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.
12. The grantee must keep detailed time records to support any allocation of staff time or other organization costs charged to this award and maintain documentation of all grant-related expenditures. The grantee must provide access to records to TIDC as necessary to monitor the grant program and expenditures.
13. In the event of loss or misuse of the funds, grantee agrees that the funds will be returned in full to the Texas Indigent Defense Commission.

Original grant application and request to modify grant application follow.

Date: 10/14/2021

Re: Amended Application for Funding

Please accept this letter to correct the request for funding recently submitted on October 1, 2021. Figure 4. on page 8. The original table reflected (1) *Indigent Defense Coordinator at \$130,666 for total staff*. It should be corrected to (1) *Indigent Defense Coordinator at \$66,333*. This correction will update the total on Figure 4. to \$582,598 and the total on Figure 5. To \$9,582,598.

Please revise our total grant request to \$9,582,598. Additionally, we request an advance of 25% of the total grant request in the amount of \$2,395,649 for expenses under Operation Lone Star.

Figure 4. LPDO Additional Staff

	Resource Attorney	Administrative Assistant	Indigent Defense Coordinator	Spanish Interpreter
Annual Salary/Employee	\$100,000	\$45,000	\$45,000	\$52,000
Fringe/Health Ins. (30%)	\$30,000	\$13,500	\$13,500	\$15,600
Training/Employee	\$1,000	\$500	\$500	\$1,000
Travel/Employee	\$12,000	0	\$1000	\$12,000
Operating Costs	\$1,000	\$1,000	\$1,000	\$1,000
Rent	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933
Start-Up Expenditures	\$2,400	\$2,400	\$2,400	\$2,400
# Staff	2	2	1	1
Total Staff Costs	\$298,666	\$130,666	\$66,333	\$86,933
			Total	\$582,598

Figure 5. Total Requests

	Qty	Totals
Proposed Teams	8	\$8,000,000
Private Attorneys	1,000 cases @ \$1,000 each	\$1,000,000
LPDO Additional Staff		\$582,598
	Total Request	\$9,582,598


Shannon Evans
Executive Director, LPDO

Lubbock Private Defender Office

Application for Funding – Operation Lone Star

I. Executive Summary

Operation Lone Star has created a rapid increase in the need for indigent defense services in counties near the Mexico border. Counties in the region do not have the attorneys or support services to provide representation, nor do they have the funds to pay for the services needed. The Lubbock Private Defender Office (LPDO) has worked closely with TIDC to set up a regional system to ensure that all indigent persons charged with state crimes have access to counsel as required by Texas law and the United States Constitution. LPDO has created a basic infrastructure to appoint counsel for these defendants, but the funds allocated to date to pay for the representation itself will only cover needs through the initial months of this disaster.

LPDO proposes to:

- Expand its team to keep up with the growth in OLS arrests and their expansion to other parts of the border region beyond the initial hub of Val Verde County. These resources are needed to monitor and coordinate the multiple agencies and jurisdictions involved to ensure that attorneys are appointed to all qualified defendants in a timely manner, and that attorneys have the resources and support needed to provide effective representation.
- Contract with qualified indigent defense providers, including county-based and nonprofit public defender organizations, to provide indigent defense teams to represent OLS defendants.
- Expand recruitment efforts for private counsel to provide representation in OLS cases and provide active supervision and support services. This will involve review of private counsel compensation to ensure that attorneys are paid appropriately for their work and that fee schedules are consistent with professional standards of representation and are sufficient to attract the attorneys needed.

Given the uncertainty involved in Operation Lone Star arrest numbers, the proposed approach is scalable. Attorney teams can be added as demand for services increases.

LPDO has enjoyed a good working relationship with TIDC and stands ready to continue to serve as the indigent defense hub for Operation Lone Star.

II. Problem Statement

Governor Abbott launched Operation Lone Star in March 2021 to respond to a rise in illegal immigration. In May, Governor Abbott issued a disaster declaration covering the border region. The May declaration directed the Department of Public Safety to “use available

resources to enforce all applicable federal and state laws to prevent the criminal activity along the border, including criminal trespassing, smuggling, and human trafficking, and to assist Texas counties in their efforts to address those criminal activities.”

The following month, the Governor emptied TDCJ’s Dolph Briscoe Unit in Dilley, Texas for use as a holding facility for persons arrested under Operation Lone Star. The Governor amended the disaster declaration on June 25, July 1, July 15, July 30, and August 29, 2021, to include counties that have declared a disaster and have agreed to partner with the State. Today, 43 counties are part of the disaster declaration.

On July 26, 2021, TIDC held an emergency board meeting and granted funds to LPDO to serve as the indigent defense hub for Operation Lone Star, including the following duties:

- Maintaining a list of qualified private attorneys for OLS cases
- Identifying public defender offices willing to accept OLS cases
- Assigning cases to attorneys and defender offices
- Providing resources, oversight, and support for OLS cases

At its August 19, 2021 regular board meeting, TIDC granted additional funds to LPDO continue to serve as the indigent defense hub. In September, Governor Abbott signed HB9, a \$1.8 billion bill aimed at supporting Operation Lone Star, including approximately \$29 million for OLS indigent defense. TIDC called an emergency meeting to consider allocation of these funds.

To date, over 1,000 persons have been arrested in Val Verde and Kinney Counties related to Operation Lone Star. LPDO has ensured that counsel has been appointed to every qualified defendant and provide the services described above. The Governor’s Office projects that daily arrests may exceed 100 or even 200 per day.

Given the number of organizations—including Department of Public Safety, Office of Court Administration, Texas Department of Criminal Justice, Texas Department of Emergency Management, Texas Commission on Jail Standards, Texas National Guard, Texas Indigent Defense Commission—involved in Operation Lone Star, the number of defense attorneys needed (approximately 250 – 300), and the need for accurate monitoring, support, and oversight for the OLS defense function, an indigent defense hub for OLS is necessary.

LPDO has enjoyed a good working relationship with TIDC and stands ready to continue to serve as the indigent defense hub for Operation Lone Star.

III. Objectives

Below are objectives related to the grant.

A. Representation

- Every indigent defendant who qualifies for counsel receives effective representation

- Every attorney has access to investigators, *Padilla* attorneys, interpreters, and other resources necessary to provide effective representation
- LPDO will provide both support and oversight for attorneys taking OLS cases

B. Funding

- Wherever possible, the State, not the counties, funds representation for OLS cases
- Payments to public defender offices and private attorneys are made timely
- Representation capacity is right-sized to fit current indigent defense needs

C. Procedures

- LPDO will follow reasonable fee schedules approved by TIDC
- LPDO will ensure that public defender contractors have an established track record of effective public defense representation
- LPDO will ensure that contracts with public defender offices and other providers are based on sound budgets
- TIDC and LPDO develop reasonable rules for qualifying for the OLS attorney list
- TIDC and LPDO develop reasonable rules for being removed from the OLS attorney list

D. Providers

- TIDC and LPDO use a combination of public defender offices and private attorneys, other providers, as necessary
- TIDC and LPDO communicate frequently and effectively with indigent defense providers

E. Accountability

- LPDO are good stewards of public funds and require appropriate accounting of program-related expenditures from all indigent defense providers
- LPDO will provide all contracts for core services under this project to TIDC for review and approval
- LPDO will monitor its contracts for services under this program to ensure the appropriate use of grant funds
- LPDO will monitor compliance with state and federal indigent defense laws and ensure that the quality of representation provided meets professional standards

IV. Activities

LPDO will use these funds in three ways: A. LPDO Administration and Oversight; B. Soliciting and Executing Contracts for Public Defender OLS Representation; and C. Expanding the OLS Private Assigned Counsel Panel. Each is described in greater detail below.

A. LPDO Administration and Oversight

Upon award, LPDO will recruit additional staff or contractors to provide sufficient oversight, coordination, and support for OLS indigent defense providers. The following positions are proposed:

- Two resource attorneys to provide oversight and support to private attorneys receiving OLS cases
- Two administrative assistants to process payments, track invoices, schedule meetings, and facilitate day to day operations.
- One additional indigent defense coordinator to assign cases, track appointments, communicate with magistrates, TIDC, and TDCJ
- One dedicated Spanish interpreter

B. Solicit and Execute Contracts for Public Defender OLS Representation

LPDO will post a Request for Proposals (RFP) to solicit contracts with established public defender organizations to provide representation teams for OLS cases. A draft RFP is attached. LPDO will operate an open process, through which it will ensure that providers are sufficiently qualified to provide the services required, have provided a detailed budget that reflects necessary and reasonable costs, propose a realistic timeline for commencing operations, and are capable of tracking and reporting activities and costs.

By soliciting proposals for distinct teams, LPDO will contract for resources as needed to scale up to the demand for services and endeavor to ensure that funded indigent defense resources are fully used. Additional contracts for OLS representation teams will be added as dictated by the number of OLS arrests and the funds available.

As detailed in the attached draft RFP, the teams will consist of attorneys, an investigator, and an administrative support staffer. All participating private and public defender attorneys will be required to consult with an expert in the nexus of criminal law and immigration law to provide case-specific advice regarding the immigration-related collateral consequences of plea or conviction. TIDC has directly funded the myPadilla program hosted by the Capital Area Private Defender Service (CAPDS) to provide these advisals to participating attorneys through separate grants.

LPDO will, in consultation with TIDC, promulgate clear expectations for OLS defense providers regarding caseload, client communication, use of support services, and other standards of effective representation and will monitor providers for compliance with these standards.

C. Expansion of OLS Private Assigned Counsel Panel

There has been limited success in recruiting private counsel to accept OLS appointments. Approximately 40 attorneys have applied to take cases so far, and some wish to receive only a few cases. One reason appears to be the limited flat fee compensation that was initially offered (based on Val Verde and Kinney County fee schedules), which is insufficient to attract

attorneys outside of the region. Under the Texas Supreme Court order, TIDC has been given authority to develop an OLS Indigent Defense Plan and set fee schedules for associated representation. This plan is nearing completion and will be based on hourly billing in line with the LPDO's fee schedule in operation in their primary Lubbock program. Once these changes are approved, LPDO will expand its outreach and recruitment to bring on more qualified private attorneys to handle OLS cases. Such representation will be billed directly to LPDO and paid in full using grant funds.

Private attorneys serving on the OLS panel will be required to adhere to clearly promulgated standards of practice regarding caseloads, client communication, use of *Padilla* advisals and other support resources as needed, including interpreters and investigators.

V. Future Funding

LPDO contracts will be offered for one-year terms and will not exceed available grant funds. Depending on the number of arrests and the future course of Operation Lone Star, LPDO anticipates that extensions of the contracts may be necessary beyond one year, although it is hard to predict today. LPDO will work with TIDC and the contracted public defense providers to develop plans for eventual winding down of the funded teams that will take into account the ethical obligations of counsel and the importance of continuity of counsel.

VI. Budget and Budget Narrative

The Lubbock Private Defender Office, as the hub of defender services for OLS, make the following proposals for distribution of defense services for OLS:

We perceive that the frontline defenders in Operation Lone Star will be the various public defender organizations, both governmental and nonprofit, who can provide personnel and infrastructure adequate to house what we see as "teams" specifically designed for the task of representing OLS clients. We propose that each team consist of 5 misdemeanor attorneys, one felony supervising attorney with ½ a caseload that supervises the 5 misdemeanor attorneys, one investigator and one support staff. Immigration services will be provided by My Padilla out of Travis County by a separate grant. Interpretive services will be provided by Lubbock Private Defender Office through their grant. Investigative services will also be provided by LPDO to private attorneys for their assignments. The teams will have investigators embedded within the team. (See Figure 1)

Figure 1. Team Infrastructure

	Felony/Super	Misdemeanor	Investigator	Support Staff	Total
Annual Salary/Employee	\$100,000	\$70,000	\$60,000	\$45,000	
Fringe/Health Ins. (30%)	\$30,000	\$21,000	\$18,000	\$13,500	
Training/Employee	\$1,000	\$1,000	\$500	\$500	
Travel/Employee	\$12,000	\$12,000	\$12,000	\$0	
Operating Costs	\$850	\$850	\$850	\$850	
Rent	\$2,250	\$2,250	\$2,250	\$2,250	
Start-Up Expenditures	\$2,750	\$2,750	\$2,750	\$2,750	
Total Cost Per Employee	\$148,850	\$109,850	\$96,350	\$64,850	
# Staff	1	5	1	1	8
Total Staff Costs	\$148,850	\$549,250	\$96,350	\$64,850	\$859,300.00
Annual # Cases	59	1,080	-	-	1,139
Avg. Interpreter Cost/Case	\$62.50	\$62.50			\$62.50
Total Interpreter Costs	\$3,687.50	\$67,500.00			\$71,187.50
Total	\$152,537.50	\$616,750.00	\$96,350	\$64,850	\$930,487.50

We have identified several public and nonprofit defender organizations who have expressed an interest in developing such teams. At this time we plan to begin establishing 8 teams amongst 6 qualified organizations. LPDO will continue to reach out to public and private defender organizations in order to gauge interest and measure qualifications for this model. Since this remains a projection with some uncertainty, we propose a standardized team budget at roughly \$1 million per defender team and request funding for \$8 million for the teams.

We are also currently assigning clients to private attorneys who have demonstrated a willingness to provide services. LPDO is requesting funding to pay private attorneys for accepting cases based on our current fee schedule at \$75 per hour at roughly 10 hours per case. (Public Policy Research Institute, 2015, p. 17) Due to the unique nature of these cases relative to the Governor’s Disaster Declaration we project a slight increase with a rough estimate of \$1,000 per case. LPDO will provide oversight on individual vouchering and spend down. We request \$1 million in funding to pay private attorneys. (See Figure 3)

Figure 3. Private Attorney Funding

Private Attorneys	1000 Cases @ \$1,000 each	\$1,000,000
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In addition to the above defender teams, two resource attorneys are proposed by LPDO to provide training, coordination and resources to all defenders, public, private, and private assigned counsel. Much of the work already accomplished need not be duplicated and these two attorneys would facilitate coordination among the various defense services to see duplication is kept at a minimum and that all team members are trained and otherwise resourced to provide the best of defense services.

Additionally, LPDO is requesting two administrative assistants to process payments, track invoices, schedule meetings and maintain reporting records.

We already have one assignments coordinator that will need to be augmented with one additional coordinator to assign cases, track appointments, communicate with Magistrates, TIDC and TDCJ. (See Figure 4)

Figure 4. LPDO Additional Staff

	Resource Attorney	Administrative Assistant	Indigent Defense Coordinator	Spanish Interpreter
Annual Salary/Employee	\$100,000	\$45,000	\$45,000	\$52,000
Fringe/Health Ins. (30%)	\$30,000	\$13,500	\$13,500	\$15,600
Training/Employee	\$1,000	\$500	\$500	\$1,000
Travel/Employee	\$12,000	0	\$1000	\$12,000
Operating Costs	\$1,000	\$1,000	\$1,000	\$1,000
Rent	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933	12 months @ \$244 = \$2,933
Start-Up Expenditures	\$2,400	\$2,400	\$2,400	\$2,400
# Staff	2	2	1	1
Total Staff Costs	\$298,666	\$130,666	\$130,666	\$86,933
			Total	\$646,931

To conclude, LPDO will open this process to governmental and nonprofit indigent defense providers. The mixture of teams will depend entirely on who as an organization steps up to assist in this project. To add, because LPDO does not have sufficient capital to wait for funding, we propose that grant funding be advanced on a quarterly bases to ensure the success of our projections. We will continue to work closely with TIDC to report any changes to projections and monitor monthly spend down.

At this time LPDO is requesting funding in the total amount of \$9.6 million as outlined in Figure 5.

Figure 5. Total Requests

	Qty	Totals
Proposed Teams	8	\$8,000,000
Private Attorneys	1,000 cases @ \$1,000 each	\$1,000,000
LPDO Additional Staff		\$646,931
	Total Request	\$9,646,931

Lubbock Private Defender Office

Request for Proposals

Public Defender Representation in Operation Lone Star

I. Summary

The Lubbock Private Defender Office (LPDO) seeks to enter contracts with public defender organizations to provide representation to indigent defendants arrested under Operation Lone Star. This request for proposals (RFP) includes proposals from Public Defender organizations, both publicly and privately funded, to provide high quality defense services to the above referenced individuals.

II. Background

Below is a brief description of Operation Lone Star; Lubbock Private Defender Office's role in Operation Lone Star; and the Need for Public Defender Offices for Operation Lone Star.

A. Operation Lone Star

Responding to a rise in illegal immigration, Governor Abbott launched Operation Lone Star (OLS) in March 2021. In May, the Governor declared a disaster area that now includes 43 border counties. The Governor also deployed over 1,000 Department of Public Safety (DPS) officers to the border, directing them to “use available resources to enforce all applicable federal and state laws to prevent the criminal activity along the border, including criminal trespassing, smuggling, and human trafficking, and to assist Texas counties in their efforts to address those criminal activities.”

DPS now averages 30 to 40 OLS arrests per day, mostly for criminal trespass. To date, over 1,000 persons have been arrested in Val Verde and Kinney Counties, with a smaller number of OLS arrests in surrounding counties. The number of arrests may rise to 200 per day in the coming months. Most arrestees are indigent

and are held in the Briscoe or Segovia Units of the Texas Department of Criminal Justice (TDCJ). The Texas Indigent Defense Commission (TIDC) has designated the Lubbock Private Defender Office (LPDO) as the indigent defense hub for Operation Lone Star.

B. Lubbock Private Defender Office

The Lubbock Private Defender Office (LPDO) is a 501(c) nonprofit corporation founded in 2007 to serve as the Managed Assigned Counsel (MAC) program for Lubbock County. TIDC has provided a grant to LPDO to serve as the indigent defense hub for Operation Lone Star, including the following duties:

- Contracting with public defender offices to provide OLS representation
- Maintaining a list of private attorneys to take OLS cases
- Appointing attorneys to indigent OLS defendants
- Ensuring that attorneys have access to investigators, interpreters, *Padilla* attorneys, and other resources as needed
- Reviewing private attorney payments

LPDO is committed to ensuring that every indigent defendant arrested under OLS receives quality legal representation.

C. The Need for Public Defender Offices for Operation Lone Star

Public defender offices help ensure efficient and effective representation through supervision, resource provision, and team-based representation, as documented in TIDC's *Public Defender Primer*. Consequently, public defender offices are central to OLS representation. TIDC and LPDO are seeking public defender offices with a track record of providing zealous representation. LPDO plans to enter contracts with multiple public defender offices for OLS representation.

III. Scope of Work

This section addresses Proposals for Team-Based Indigent Defense and Expectations for Representation.

A. Proposals for Team-Based Indigent Defense

LPDO invites proposals from qualified public defender offices to operate OLS Indigent Defense Representation Teams. Contracting organizations should have a demonstrated track record of effective, client-centered public defense

representation. LPDO seeks contracts for standardized teams to facilitate scaling capacity in approximately uniform increments and to ensure that representation is well-resourced from agency-to-agency.

Proposed OLS Indigent Defense Teams consist of eight persons, including the following personnel:

- 1 felony-qualified attorney, who leads and supervises the team and carries a half-caseload
- 5 misdemeanor attorneys, each with a full caseload
- 1 investigator
- 1 administrative support

A proposed salary and benefit structure for public defender teams is as follows:

	Felony/Super	Misdemeanor	Investigator	Support Staff	Total
Annual Salary/Employee	\$100,000	\$70,000	\$60,000	\$45,000	
Fringe/Health Ins. (30%)	\$30,000	\$21,000	\$18,000	\$13,500	
Training/Employee	\$1,000	\$1,000	\$500	\$500	
Travel/Employee	\$12,000	\$12,000	\$12,000	\$0	
Operating Costs	\$850	\$850	\$850	\$850	
Rent	\$2,250	\$2,250	\$2,250	\$2,250	
Start-Up Expenditures	\$2,750	\$2,750	\$2,750	\$2,750	
Total Cost Per Employee	\$148,850	\$109,850	\$96,350	\$64,850	
# Staff	1	5	1	1	8
Total Staff Costs	\$148,850	\$549,250	\$96,350	\$64,850	\$859,300.00
Annual # Cases	59	1,080	-	-	1,139
Avg. Interpreter Cost/Case*	\$62.50	\$62.50			\$62.50
Total Interpreter Costs	\$3,687.50	\$67,500.00			\$71,187.50
Total	\$152,537.50	\$616,750.00	\$96,350	\$64,850	\$930,487.50

Public defender offices proposing to contract with LPDO to provide OLS indigent defense services should use this team model as a starting point for any proposal. Applicants may propose adjustments to the team, for example:

- Inclusion of an additional team member, such as an attorney, investigator, social worker, or caseworker
- Adjustments to salaries or benefits to match preexisting salary and benefit structures
- Caseload adjustments within 15% of TIDC caseload guidelines

Public defender offices may also submit a proposal to create more than one OLS team.

Because OLS cases will always require individualized Padilla advisals regarding the immigration-related collateral consequences of plea or conviction, TIDC has

directly funded my*Padilla*, a service operated by the Capital Area Private Defender Service, to consult at no additional cost in all OLS cases. Accordingly, budgets should not include *Padilla* consultations.

B. Expectations for Representation

OLS representation should comply with the State Bar of Texas's *Performance Guidelines for Non-Capital Criminal Defense Representation*, with a focus on the following:

- Client communication
- Investigation
- Legal research
- *Padilla* advisal
- Motion practice
- Court appearance
- Trial or hearings as appropriate

OLS public defender teams should also comply with caseloads limits proposed in response to this RFP and based on TIDC Caseload Guidelines.

Applicants should also propose a method of case management or time tracking to account for the use of OLS funding. OLS public defender teams may be subject to financial monitoring, policy monitoring, or grant monitoring by TIDC or LPDO.

IV. Contract Payments

Contracts will be based on approved budget proposals. LPDO may provide advance payments as needed to finance the start-up and operation of OLS defense teams. Contracting organizations will be required to track and report actual expenditures for OLS teams on a quarterly basis. Contract terms will be for one year, with the possibility of extension, depending on the number of OLS cases and availability of funds.

V. Proposal Requirements

Proposals should include the following elements:

- A. Brief organizational history
- B. Brief narrative of proposed work that addresses:

1. Scope of work
 2. Proposed team composition, salary, and benefits
 3. How the proposed team will meet expectations for representation
 4. Description of any substantial deviation from the proposed team model
- C. Timeline for commencing operations
- D. Detailed budget and budget narrative (sample budget worksheet attached)

Proposals should be submitted to Philip Wischkaemper pwischkaemper@lpdo.org by **October 15, 2021**, or as soon as possible thereafter. Proposals will continue to be accepted on an ongoing basis, depending on the demand for services and the availability of funds.

VI. Selection Criteria

Organizations will be selected based on the following criteria:

- A. Demonstrated track record of providing effective, efficient, client-centered representation
- B. Proposal of a reasonable team-based public defense model
- C. Commitment to following expectations for representation
- D. Detailed budget based on reasonable costs
- E. Ability to track and report actual expenditures and case data

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at tidc.tamu.edu.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2020 through December 2021	Grant Expenditure Report Progress report	January 15, 2022	February 2022
January 2022 through March 2022	Grant Expenditure Report Progress report	April 15, 2022	May 2022
April 2022 through June 2022	Grant Expenditure Report Progress report	July 15, 2022	August 2022
July 2022 through September 2022	Grant Expenditure Report Progress Report	October 15, 2022	December 2022