



September 30, 2024

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Honorable Missy Medary  
Corpus Christi, Presiding Judge,  
5th Administrative  
Judicial Region of Texas

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Mr. James D. "Jim" Bethke

EXECUTIVE DIRECTOR:  
Scott Ehlers

The Honorable Ricardo Samaniego  
El Paso County Judge  
Via E-mail: [RSamaniego@epcounty.com](mailto:RSamaniego@epcounty.com)

RE: FY2025 Statement of Grant Award – Grant Number 212-25-C18

Dear Judge Samaniego:

I am pleased to inform you that the Texas Indigent Defense Commission has awarded El Paso County a **FY2025 Continued Multi-Year Improvement Grant** in the amount of \$73,697 for the **Public Defender *Padilla* Program**. Your Statement of Grant Award for fiscal year 2025 is attached. Please sign, scan and return to [Grants@tidc.texas.gov](mailto:Grants@tidc.texas.gov) to accept the award and become eligible for payments.

Congratulations to El Paso County on taking the lead in Texas by developing and continuing this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Commission Director of Grant Funding at (512) 463-2508.

Sincerely,

Missy Medary  
Chair, Texas Indigent Defense Commission  
Presiding Judge, 5th Administrative Judicial Region of Texas

Copy: Barbara Parker, El Paso County Auditor, [b.parker@epcountytexas.gov](mailto:b.parker@epcountytexas.gov)  
Kelli Childress, Chief Public Defender, [kchildress@epcounty.com](mailto:kchildress@epcounty.com)



**TEXAS INDIGENT DEFENSE COMMISSION**  
**Statement of Grant Award**  
**FY2025 Improvement Grant**

Grant Number: 212-25-C18  
 Grantee Name: El Paso County  
 Program Title: Public Defender *Padilla* Program  
 Grant Period: 10/1/2024-9/30/2025  
 Grant Award: **\$73,697**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to El Paso 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. 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:

<b>Direct Costs:</b>	
<b>1) Personnel (Total Number of FTEs: 2)</b>	\$170,689
<b>2) Fringe Benefits</b>	\$70,469
<b>3) Travel and Training</b>	\$2,200
<b>4) Equipment</b>	
<b>5) Supplies</b>	\$2,300
<b>6) Contract Services</b>	
<b>7) Indirect Costs</b>	
<b>Total Approved Budget</b>	\$245,658
Less Cash from Other Sources- County Match	\$171,961
<b>Total Amount Funded by Commission</b>	<b>\$73,697</b>

**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 February 2024, 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 “Grant Terms and Conditions” contained in Attachment A which includes the final grant application.
- 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 as necessary and submit it to the Commission by November 1, 2024.

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

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Signature of Authorized Official

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Name & Title (must print or type)

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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 funded program.

- This grant requires quarterly progress reports to provide information on the operation of the program. The Commission grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the online report when the report items do not accurately reflect the work performed. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- The County will submit quarterly expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
- The County or its designee must provide to TIDC staff the minimum job requirements and a full job description of the FTE positions specified under this project before positions are publicly posted.
- 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.
- Equipment costs listed in the first-year start-up budget will not be carried forward into subsequent years of funding.
- The County must develop written policies and procedures for the new program that address intake processes and how the program services will be provided to defendants and program attorneys. The program policies and procedures document must be provided to TIDC within 1 month of the program start date.
- In addition to quarterly progress reports, the County must submit quarterly staffing reports detailing hire dates, separation dates, vacancies, and actual salaries each month for each position funded under the grant.

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**Original grant application and approved modification follow:**

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**2022 El Paso County Improvement Grant Application Narrative  
(Multi-Year Grant)**

**a. Application Form**

Counties Represented: **El Paso**

Fiscal Year: **2022**

State Payee Identification Number: **746000762**

Division To Administer Grant: **Public Defender's Office**

Program Title: **El Paso Public Defender Padilla Immigration Counseling and Advice (PICA) Program**

Requested Grant Amount: **\$175,963.20**

Financial Officer: **Edward A. Dion**

Program Director: **Kelli Childress**

Mailing Address: **500 E. San Antonio; Room 501; El Paso, TX 79901**

**b. Introduction (Executive Summary)**

The El Paso Public Defender Padilla Immigration Counseling and Advice (PICA) program fills the need for detailed review by an experienced immigration law attorney of each client's unique life history and the allegations he or she faces in partnership with Public Defender staff attorneys providing non-citizen clients meaningful, effective, and useful insight and advice on how pending criminal charges could impact the client's immigration status.

**c. Problem Statement**

Effectively defending criminal charges involves far more than the allegations themselves for persons who are not United States citizens. The US Supreme Court made clear in Padilla v. Kentucky, 559 U.S. 356, 2010, that defense counsel must advise clients regarding immigration consequences which may stem from those charges, plea agreement offers, and other case outcomes. Immigration consequences can be catastrophic for anyone who is not a United States citizen, however the need for counsel to provide accurate, effective advice is even more vital for indigent clients, with severely limited resources.

El Paso sits on the United States Mexico border, with the cities of Juarez, Chihuahua, Mexico, and El Paso, Texas, literally touching each other, separated only by the Rio Grande River and the international border. The El Paso Times reported on December 6, 2019, that over 50,000 people cross into El Paso from Juarez, daily. The annualized data from the City of El Paso's website, [www.elpasotexas.gov/international-bridges](http://www.elpasotexas.gov/international-bridges), shows 4.2 million pedestrians, 3.6 million passenger vehicles, and 300,000 commercial vehicles cross the border annually, exclusive of the crossings at the County's Tornillo port of entry, and the ports of entry in Santa Teresa, New Mexico, which are immediately adjacent to the El Paso Texas/New Mexico state line. If any of these persons are accused of a jailable State charge, and are not a US Citizen, Padilla's mandate required the Public Defender's Office effectively counsel them on the collateral immigration consequences. During fiscal year 2019, 2020, and through January 2021, 6% of the El Paso County Public Defender's Office's adult clients (nearly 600 persons per year) were identified as being citizens of other nations. In addition, to advising clients about the consequences different case resolutions can have on immigration status, some clients may not realize that they already are US Citizens, based on their parents citizenship, and need additional guidance.

While Public Defender staff attorneys regularly attend immigration law trainings and updates, immigration laws are incredibly complex and dynamic, and are most effectively interpreted by a specialist with experience practicing immigration law, and who can dedicate the time to following not only new appellate decisions, but also

administrative orders, and can network with other local immigration practitioners to stay current on how immigration law judges are exercising their discretion in areas of cancellation of removal, eligibility for waivers of inadmissibility, and petty offense exceptions. Further, while the immigration consequences from some charges are relatively clear, many required a detailed review of the client's history, parents' citizenship, current and prior immigration status to determine how potential resolutions of the current case would impact the client. Study and analysis of these factors by an immigration practitioner, can identify opportunities for case negotiation and other strategies which might otherwise be overlooked. The addition of an immigration law team consisting of an attorney, supported by a paralegal to review screening information for all clients who are not United States citizens, or who were born outside of the US, followed by preparation of individualized immigration advisal documents, as indicated by the client's history and current charge(s), will address this critical need.

#### **d. Objectives**

The United States Supreme Court's mandate to defense counsel in Padilla v. Kentucky, makes clear that individuals accused of criminal offenses, who are not United States citizens, must be advised of the impact conviction for those charges can have on their immigration status. A corollary stemming from this requires identifying persons who actually are United States citizens, but are not aware of their citizenship through a derivative claim or other means, so they can seek recognition of their citizenship status. In order to fully serve these goals, the Public Defender's Office will establish the Public Defender Padilla Immigration Counseling and Advice (PICA) program. Under the program Public Defender adult and juvenile clients facing trial level charges will be screened for potential immigration issues based on their place of birth and citizenship. Through PICA a screening checklist will be completed for all clients identified to have potential immigration issues. Once completed, the information will be reviewed by PICA's attorney/paralegal team. The PICA team will produce tailored immigration consequence advisals for each of the program's clients, to assist Public Defender team attorneys in effectively advising clients regarding foreseeable immigration consequences and exploring potential alternative case resolution strategies. As a result, clients will be able to make more informed decisions in their cases, raising the quality of representation that clients receive.

#### **e. Activities**

The Public Defender Padilla Immigration Counseling and Advice (PICA) program will serve Public Defender's Office adult and juvenile clients facing felony and misdemeanor charges who are either not United States citizens, or who qualify for US citizenship, but have not had their citizenship claim recognized. Once the program is approved, Public Defender's Office staff will develop program policies and procedures, including client screening forms, which will be forwarded to the Texas Indigent Defense Commission (TIDC), prior to beginning program operation. The PICA team will consist of a senior trial attorney and a paralegal. Following UGUMS, the positions job descriptions will comport with El Paso County's adopted job descriptions for Senior Trial Attorneys and Paralegals, and the recruitment process will be conducted in accordance with the County's policies and procedures.

The first step will be screening Public Defender adult and juvenile clients facing jailable allegations to identify those who are not US citizens, were born outside the United States, or have a potential citizenship claim. A detailed PICA client assessment form will be completed with each of the identified clients to encapsulate important client case details including the clients' charges, place of birth, reported nationality, current immigration status, if any, prior immigration actions, alien number (A number), parents' nationalities, parental military service, and other matters. Once screening forms are received the team will review them and determine the type of issues, and potential options presented by the client's unique circumstances, and prepare an advice based on this information and any needed research, which will be provided to the client's assigned Public Defender staff attorney. When necessary the PICA attorney and/or paralegal will meet with clients to get additional information, and provide advice.

#### **f. Evaluation**

Both quantitative and qualitative evaluation will be an essential part of the Public Defender Padilla Immigration Counseling and Advice (PICA) program. The Public Defender's Office maintains its client records in the Public Defender Attorney Manager section of El Paso County's Odyssey database (PDAM). The program data will be

entered into and retrieved from PDAM for reporting. Program data will include the number of adult and juvenile clients screened, the number of each which were identified for PICA services, the number of immigration screening sheets completed, the number and types of immigration advice documents prepared, whether the advisal resulted in trial attorneys negotiating a different plea offer, and any additional services provided by the PICA team to program clients.

#### **g. Future Funding**

El Paso County recognizes and appreciated TIDC's work to assist counties in developing and onboarding the ongoing cost of new programs and services. Commissioner's court is aware of TIDC's expectation that grant funded programs will be maintained by the County after the grant period. The County is committed to continuing the Public Defender's Office Padilla Immigration Counseling and Advice (PICA) program after the grant program period. TIDC's funding will provide seed money not only for start-up costs, but also, through TIDC's stair-step funding structure, provide for gradual incorporation of the program cost into the County's budget. The four-year grant structure, with the County's match increasing by twenty percent annually, will ease initial burden on our very limited local tax base, while transitioning to full County funding in the program's fifth year, enabling the County to provide Padilla immigration advice immediately. TIDC's short term assistance permits the County to prepare and implement fiscal plans to maintain the funded positions on an ongoing basis after the grant program period.

#### **h. Budget Narrative and Budget Form**

The Public Defender's Office's Public Defender Padilla Immigration Counseling and Advice (PICA) program has two team members, a senior trial attorney and a paralegal. The program will be supervised by the Public Defender's Office's Director of Specialized Services. PICA's team will work closely with all PD staff attorneys to maximize its services to clients. The unique nature of PICA's work providing case review and immigration advice has not been considered in TIDC's recommended caseload standards, however the structure of program's operation, including the incorporation of a paralegal to assist in case review and analysis, will be focused on providing quality assessment and advice to PICA clients. Once the detailed screening forms are received, they will be reviewed, to determine which clients can be effectively advised based on the information contained therein, and which require additional inquiries, either through the staff attorney, or an interview with the PICA paralegal or senior trial attorney. In compliance with El Paso County Human Resources Policy, and ITDC's direction that grants must comport with the Uniform Grant Management Standards (UGMS), the amount in the budget for the lawyer position is budgeted at level six on the applicable attorney salary scale, providing sufficient funding for the highest salary level an attorney could receive in that position upon joining the county, which is level 6 on the El Paso County's Attorney Salary Plan. The paralegal is budgeted as an entry level position, consistent with El Paso County's hiring process for employees who are not under the attorney salary plan.

First year program equipment is budgeted at \$10,000. This includes \$5,000 per employee to purchase necessary office furniture, i.e. desk, employee chairs, visitor chairs, telephones, tablets or other portable computers, file cabinets, and other basic office tools for the two PICA team members. Following TIDC's RFA and grant instructions, the equipment line item, is only for the first year of the grant program. All equipment purchased will be in accordance with El Paso County's Purchasing policies and TIDC's grant programs.

The supply line item includes \$1,000 per year for basic office supplies, including paper, file folders, labels, envelopes, business cards, legal pads, pens, and other similar items used daily, and \$1,300.00 for criminal, juvenile, and immigration code books for the lawyer and paralegal and as well as a subscription to Westlaw research services for on-line legal and other research services. The Public Defender's Office currently contracts with Westlaw legal research services for on-line legal research and other services. The contract requires that all attorneys employed in the Public Defender's Office must be registered and pay a monthly license fee. Attorneys must accrue at least 15 hours of continuing legal education annually to maintain an active law license and stay current on legal developments and issues. In addition, El Paso County requires all employees, including attorneys and paralegals, to complete at least 20 hours of training each year. Because of El Paso's geographic location,



Approved FY23 Budget  
Adjustment

**RICARDO SAMANIEGO**  
**El Paso County Judge**

May 7, 2022

Mr. Edwin Colfax  
Grants Administrator  
Texas Indigent Defense Commission  
209 W. 14th Street, Room 202 (Price Daniel Sr. Building) Austin, Texas 78701  
Sent via Email to: EColfax@TIDC.Texas.gov

**RE: Request to Amend El Paso County Public Defender Padilla Immigration Counseling and Advice (PICA) Grant Budget**

Dear Mr. Colfax,

El Paso County appreciates its partnership with the Texas Indigent Defense Commission and the Commissioner's on-going support of the County's indigent defense program and innovations. We appreciate the Commission's flexibility in permitting us to delay program implementation until April 2022. At today's Commissioner's Court session, the Court adopted the grant Resolution/Internet Submission Form, authorizing and supporting the County's application for second year funding for the Public Defender Padilla Immigration Counseling and Advice (PICA), required as part of the grant renewal process. The resolution is attached.

We are requesting TIDC authorize a modification to the program increasing approved grant budget for FY2023 to reflect the salary budget changes necessitated by changes in the attorneys employed under the grant program during FY2022. Following UGMS, when a new attorney with significant legal practice was recruited to an open grant position, El Paso County's Human Resources Department reviewed her experience and determined the proper placement under El Paso County's attorney salary plan, which necessitated the requested budgetary revision to maintain the program's operation. Furthermore, because the PICA program started in April 2022, our program years are split on grant renewals with the match increasing by 20% of the total budget per year. Thus, for the second grant program year, the match is 70% (half a year at the 80% match rate, and half a year at the 60% match rate). The requested changes will not alter the number of grant funded employees. The modification will increase the grant program's Personnel-Salaries line item from \$153,325.00 to \$170,689.00, a difference of \$17,364.00, and increase the Fringe Benefits budget from \$53,129.00 to \$70,469.00, a difference of \$17,340.00. The following table outlines the requested budgetary changes:

Direct Costs	Original FY22	FY23 Request
1) Personnel - Salaries (Total Number of FTEs: 2)	\$ 152,325.00	\$ 170,689.00
2) Fringe Benefits	\$ 53,129.00	\$ 70,469.00
3) Travel and Training	\$ 2,200.00	\$ 2,200.00
4) Equipment	\$ 10,000.00	
5) Supplies	\$ 2,300.00	\$ 2,300.00
6) Contract Services		
7) Indirect Costs		
<b>Total Proposed Costs</b>	<b>\$ 219,954.00</b>	<b>\$ 245,658.00</b>
<b>Less County Match</b>	<b>\$ 43,991.00</b>	<b>\$ 73,697.40</b>
<b>Total Amount Funded by Commission</b>	<b>\$ 175,963.00</b>	<b>\$ 171,960.60</b>

We request your favorable consideration and look forwarding to continuing our partnership with the Commission in the future.

If you have any questions, feel free to contact our office at (915) 546-2098.

Sincerely,



Ricardo A. Samaniego  
El Paso County Judge

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### Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at [tidc.tamu.edu](http://tidc.tamu.edu).

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2024 through December 2024	Grant Expenditure Report Progress Report	January 15, 2025	February 2025
January 2025 through March 2025	Grant Expenditure Report Progress Report	April 15, 2025	May 2025
April 2025 through June 2025	Grant Expenditure Report Progress Report	July 15, 2025	August 2025
July 2025 through September 2025	Grant Expenditure Report Progress Report	October 15, 2025	December 2025