**Lubbock Private Defender Office**

**Request for Proposals**

**Public Defender Representation in Operation Lone Star**

1. 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.

1. 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.

1. 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. New central magistration site in Jim Hogg County is expected to begin operating in February 2022. Arrests are anticipated to rise in Maverick County. These will significantly impact Operation Lone Star’s appointment rates. 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.

1. 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.

1. 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.

1. Scope of Work

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

1. 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:



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.

1. 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.

1. 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.

1. Proposal Requirements

Proposals should include the following elements:

1. Brief organizational history
2. 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
3. Timeline for commencing operations
4. Detailed budget and budget narrative (sample budget worksheet attached)

Proposals should be submitted to Philip Wischkaemper pwischkaemper@lpdo.org no later than **February 28, 2022**. Proposals will continue to be accepted on an ongoing basis, depending on the demand for services and the availability of funds.

1. Selection Criteria

Organizations will be selected based on the following criteria:

1. Demonstrated track record of providing effective, efficient, client-centered representation
2. Proposal of a reasonable team-based public defense model
3. Commitment to following expectations for representation
4. Detailed budget based on reasonable costs
5. Ability to track and report actual expenditures and case data