NO STATUTE ISSUE

Form **990-EZ**

Department of the Treasury
Internal Revenue Service

Short Form Return of Organization Exempt From Income Tax

Amended

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

▶ Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(b)(13) must file Form 990 All other organizations with gross receipts less than $1,000,000 and total assets less than $2,500,000 at the end of the year may use this form

▶ *The organization may have to use a copy of this return to satisfy state reporting requirements*

OMB No 1545-1150

2008

Open to Public Inspection

A For the 2008 calendar year, or tax year beginning , 2008, and ending , 20

B Check if applicable
- ☐ Address change
- ☐ Name change
- ☑ Initial return
- ☐ Termination
- ☑ Amended return
- ☐ Application pending

Please use IRS label or print or type. See Specific Instructions.

C Name of organization
Texas Fair Defense Project

Number and street (or P O box, if mail is not delivered to street address) — Room/suite
510 South Congress Avenue — 208

City or town, state or country, and ZIP + 4
Austin, TX 78704-1739

D Employer identification number 38 3740913

E Telephone number (512) 637-5220

F Group Exemption Number ▶ N/A

● *Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).*

G Accounting method ☐ Cash ☑ Accrual
Other (specify) ▶

H Check ▶ ☐ if the organization is **not** required to attach Schedule B (Form 990, 990-EZ, or 990-PF)

I Website: ▶ http://www.texasfairdefenseproject.org

J Organization type (check only one)— ☑ 501(c) (3) ◀(insert no) ☐ 4947(a)(1) or ☐ 527

K Check ▶☐ if the organization is not a section 509(a)(3) supporting organization **and** its gross receipts are normally **not** more than $25,000 A return is not required, but if the organization chooses to file a return, be sure to file a complete return

L Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts, if $1,000,000 or more, file Form 990 instead of Form 990-EZ ▶ $ 227,945

Part I — Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I.)

SCANNED OCT 02 2012

RECEIVED SEP 18 2012 OGDEN, UT

STATUTE UNIT RECEIVED SEP 21 2012 TPR BRANCH OGDEN

Revenue	1	Contributions, gifts, grants, and similar amounts received			1	226,474
	2	Program service revenue including government fees and contracts			2	0
	3	Membership dues and assessments			3	0
	4	Investment income			4	1,471
	5a	Gross amount from sale of assets other than inventory	5a	0		
	b	Less cost or other basis and sales expenses	5b	0		
	c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a) (attach schedule)			5c	0
	6	Special events and activities (complete applicable parts of Schedule G) If any amount is from gaming, check here ▶ ☐				
	a	Gross revenue (not including $ of contributions reported on line 1)	6a	0		
	b	Less direct expenses other than fundraising expenses	6b	0		
	c	Net income or (loss) from special events and activities (Subtract line 6b from line 6a)			6c	0
	7a	Gross sales of inventory, less returns and allowances	7a	0		
	b	Less: cost of goods sold	7b	0		
	c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)			7c	0
	8	Other revenue (describe ▶)			8	0
	9	**Total revenue.** Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8 ▶			9	227,945
Expenses	10	Grants and similar amounts paid (attach schedule)			10	906
	11	Benefits paid to or for members			11	0
	12	Salaries, other compensation, and employee benefits			12	221,167
	13	Professional fees and other payments to independent contractors			13	9,113
	14	Occupancy, rent, utilities, and maintenance			14	12,346
	15	Printing, publications, postage, and shipping			15	4,370
	16	Other expenses (describe ▶ Please see attached supplement)			16	32,127
	17	**Total expenses.** Add lines 10 through 16 ▶			17	280,029
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)			18	(52,084)
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)			19	0
	20	Other changes in net assets or fund balances (attach explanation)			20	230,672
	21	Net assets or fund balances at end of year. Combine lines 18 through 20 ▶			21	178,588

Part II — Balance Sheets. If Total assets on line 25, column (B) are $2,500,000 or more, file Form 990 instead of Form 990-EZ.

(See the instructions for Part II.)

		(A) Beginning of year		(B) End of year
22	Cash, savings, and investments	0	22	172,992
23	Land and buildings	0	23	0
24	Other assets (describe ▶ Please see attached supplement)	0	24	5,970
25	**Total assets**	0	25	178,962
26	**Total liabilities** (describe ▶ Payroll liabilities)	0	26	374
27	**Net assets or fund balances** (line 27 of column (B) **must** agree with line 21)	0	27	178,588

G/9

2

Part III **Statement of Program Service Accomplishments** (See the instructions for Part III.)

What is the organization's primary exempt purpose? Please see attached supplement

Describe what was achieved in carrying out the organization's exempt purposes. In a clear and concise manner, describe the services provided, the number of persons benefited, or other relevant information for each program title.

		Expenses (Required for 501(c)(3) and (4) organizations and 4947(a)(1) trusts, optional for others.)
28 TFDP pursues civil and criminal litigation involving counties throughout Texas in cases where it believes the county's indigent defense practices violate the U.S. Constitution and/or state law. Please see the attached supplement for additional information about this program. (Grants $ 30,000) If this amount includes foreign grants, check here ▶ ☐	28a	110,000
29 TFDP monitors Texas's indigent defense system and uses the research generated by these activities to develop timely information for dissemination to the public and to build support for reform. TFDP also researches national indigent defense standards. Please see attached supplement. (Grants $ 20,000) If this amount includes foreign grants, check here ▶ ☐	29a	60,000
30 TFDP provides technical assistance to local judicial officials, and participates in stakeholder working groups convened by judicial branch agencies and bar associations in order to identify best practices for the delivery of indigent defense services. Please see attached supplement. (Grants $ 8,490) If this amount includes foreign grants, check here ▶ ☐	30a	65,000
31 Other program services (attach schedule) (Grants $ 0) If this amount includes foreign grants, check here ▶ ☐	31a	28,000
32 **Total program service expenses** (add lines 28a through 31a) ▶	32	263,000

Part IV **List of Officers, Directors, Trustees, and Key Employees.** List each one even if not compensated. (See the instructions for Part IV.)

(a) Name and address	(b) Title and average hours per week devoted to position	(c) Compensation (If not paid, enter -0-.)	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
Andrea Marsh 510 South Congress, Ste 208, Austin, TX 78704	Executive Director, 50 hrs/wk	63,962	3,327	
Raman Gill 510 South Congress, Ste 208, Austin, TX 78704	President and Director, 1 hr/wk	0	0	
Lisa Tsai 6504 Bridgepoint Pkwy, Ste 400, Austin, TX 78730	Secretary and Director, .5 hr/wk	0	0	
Jeremy Wright 812 San Antonio, Ste 100, Austin, TX 78701	Treasurer and Director, .5 hr/wk	0	0	

Part V **Other Information** (Note the statement requirements in the instructions for Part VI.)

				Yes	No
33	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity	33			✓
34	Were any changes made to the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes	34			✓
35	If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but **not** reported on Form 990-T, attach a statement explaining your reason for not reporting the income on Form 990-T				
a	Did the organization have unrelated business gross income of $1,000 or more or section 6033(e) notice, reporting, and proxy tax requirements?	35a			✓
b	If "Yes," has it filed a tax return on **Form 990-T** for this year?	35b			
36	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," complete applicable parts of Schedule N	36			✓
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions. ▶	37a	0		
b	Did the organization file **Form 1120-POL** for this year?	37b			✓
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee **or** were any such loans made in a prior year and still unpaid at the start of the period covered by this return?	38a			✓
b	If "Yes," complete Schedule L, Part II and enter the total amount involved	38b	N/A		
39	Section 501(c)(7) organizations Enter:				
a	Initiation fees and capital contributions included on line 9	39a	N/A		
b	Gross receipts, included on line 9, for public use of club facilities	39b	N/A		
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 ▶ 0 , section 4912 ▶ 0 , section 4955 ▶ 0				
b	Section 501(c)(3) and (4) organizations Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," complete Schedule L, Part I	40b			✓
c	Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 ▶		0		
d	Enter amount of tax on line 40c reimbursed by the organization ▶		0		
e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e			✓

41 List the states with which a copy of this return is filed. ▶ None

42a The books are in care of ▶ Texas Fair Defense Project Telephone no. ▶ (512) 637-5220
Located at ▶ 510 South Congress Avenue, Suite 208 ZIP + 4 ▶ 78704-1739

			Yes	No
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country. ▶ See the instructions for exceptions and filing requirements for **Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.**	42b		✓
c	At any time during the calendar year, did the organization maintain an office outside of the U.S ? If "Yes," enter the name of the foreign country ▶	42c		✓

43 Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of **Form 1041**—Check here ▶ ☐
and enter the amount of tax-exempt interest received or accrued during the tax year ▶ 43 N/A

			Yes	No
44	Did the organization maintain any donor advised funds? If "Yes," Form 990 must be completed instead of Form 990-EZ	44		✓
45	Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)? If "Yes," Form 990 must be completed instead of Form 990-EZ	45		✓

Part VI **Section 501(c)(3) organizations only.** All section 501(c)(3) organizations must answer questions 46–49 and complete the tables for lines 50 and 51.

			Yes	No
46	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	46		✓
47	Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II	47		✓
48	Is the organization operating a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E	48		✓
49a	Did the organization make any transfers to an exempt non-charitable related organization?	49a		✓
b	If "Yes," was the related organization(s) a section 527 organization?	49b		

50 Complete this table for the five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than $100,000 of compensation from the organization If there is none, enter "None"

(a) Name and address of each employee paid more than $100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
None				
Total number of other employees paid over $100,000 ▶				

51 Complete this table for the five highest compensated independent contractors who each received more than $100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than $100,000	(b) Type of service	(c) Compensation
None		
Total number of other independent contractors each receiving over $100,000 ▶		

Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge

▶ Signature of officer — Date 8/15/2012

▶ **Andrea Marsh, Executive Director**

Type or print name and title

Paid Preparer's Use Only

Preparer's signature ▶	Date	Check if self-employed ▶ ☐	Preparer's Identifying Number (See instructions)
Firm's name (or yours if self-employed), address, and ZIP + 4 ▶		EIN ▶	
		Phone no ▶ ( )	

May the IRS discuss this return with the preparer shown above? See instructions ▶ ☐ Yes ☐ No

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

To be completed by all section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No 1545-0047

2008

Open to Public Inspection

Name of the organization
Texas Fair Defense Project

Employer identification number
38 3740913

Part I Reason for Public Charity Status (All organizations must complete this part.) (see instructions)

The organization is not a private foundation because it is: (Please check only **one** organization)

1 ☐ A church, convention of churches, or association of churches described in **section 170(b)(1)(A)(i).**
2 ☐ A school described in **section 170(b)(1)(A)(ii).** (Attach Schedule E.)
3 ☐ A hospital or a cooperative hospital service organization described in **section 170(b)(1)(A)(iii).** (Attach Schedule H.)
4 ☐ A medical research organization operated in conjunction with a hospital described in **section 170(b)(1)(A)(iii).** Enter the hospital's name, city, and state: ____
5 ☐ An organization operated for the benefit of a college or university owned or operated by a governmental unit described in **section 170(b)(1)(A)(iv).** (Complete Part II.)
6 ☐ A federal, state, or local government or governmental unit described in **section 170(b)(1)(A)(v).**
7 ☑ An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in **section 170(b)(1)(A)(vi).** (Complete Part II.)
8 ☐ A community trust described in **section 170(b)(1)(A)(vi).** (Complete Part II)
9 ☐ An organization that normally receives. (1) more than 33⅓ % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions—subject to certain exceptions, and (2) no more than 33⅓ % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See **section 509(a)(2).** (Complete Part III)
10 ☐ An organization organized and operated exclusively to test for public safety. See **section 509(a)(4).** (see instructions)
11 ☐ An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See **section 509(a)(3).** Check the box that describes the type of supporting organization and complete lines 11e through 11h.

a ☐ Type I b ☐ Type II c ☐ Type III–Functionally integrated d ☐ Type III–Other

e ☐ By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).

f If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box . . . . ☐

g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

		Yes	No
(i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization?	11g(i)		
(ii) A family member of a person described in (i) above?	11g(ii)		
(iii) A 35% controlled entity of a person described in (i) or (ii) above?	11g(iii)		

h Provide the following information about the organizations the organization supports

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col (i) listed in your governing document? Yes	No	(v) Did you notify the organization in col (i) of your support? Yes	No	(vi) Is the organization in col (i) organized in the U S? Yes	No	(vii) Amount of support
Total									

Part II **Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)** (Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	N/A	N/A	0	0	226,474	226,474
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf	N/A	N/A	0	0	0	0
3 The value of services or facilities furnished by a governmental unit to the organization without charge	N/A	N/A	0	0	0	0
4 **Total.** Add lines 1-3	N/A	N/A	0	0	226,474	226,474
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						0
6 **Public support.** Subtract line 5 from line 4						226,474

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
7 Amounts from line 4	N/A	N/A	0	0	226,474	226,474
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	N/A	N/A	0	0	1,471	1,471
9 Net income from unrelated business activities, whether or not the business is regularly carried on	N/A	N/A	0	0	0	0
10 Other income Do not include gain or loss from the sale of capital assets (Explain in Part IV)	N/A	N/A	0	0	0	0
11 **Total support.** Add lines 7 through 10						227,945

12 Gross receipts from related activities, etc. (see instructions) . . . 12 | 0

13 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** . . . ▶ ☑

Section C. Computation of Public Support Percentage

14 Public support percentage for 2008 (line 6, column (f) divided by line 11, column (f)) . . . 14 | %

15 Public support percentage from 2007 Schedule A, Part IV-A, line 26f . . . 15 | %

16a **33⅓ % support test—2008.** If the organization did not check the box on line 13, and line 14 is 33⅓ % or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . ▶ ☐

b **33⅓ % support test—2007.** If the organization did not check a box on line 13 or 16a, and line 15 is 33⅓ % or more, check this box and **stop here.** The organization qualifies as a publicly supported organization . . . ▶ ☐

17a **10%-facts-and-circumstances test—2008.** If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here.** Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization ▶ ☐

b **10%-facts-and-circumstances test—2007.** If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and **stop here** Explain in Part IV how the organization meets the "facts-and-circumstances" test The organization qualifies as a publicly supported organization . . . ▶ ☐

18 **Private foundation.** If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions ▶ ☐

Part III **Support Schedule for Organizations Described in Section 509(a)(2)**
(Complete only if you checked the box on line 9 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")						
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose						
3 Gross receipts from activities that are not an unrelated trade or business under section 513						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
5 The value of services or facilities furnished by a governmental unit to the organization without charge						
6 **Total.** Add lines 1-5						
7a Amounts included on lines 1, 2, and 3 received from disqualified persons						
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of 1% of the total of lines 9, 10c, 11, and 12 for the year or $5,000						
c Add lines 7a and 7b						
8 **Public support** (Subtract line 7c from line 6)						

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
9 Amounts from line 6						
10a Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975						
c Add lines 10a and 10b						
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
13 **Total support.** (Add lines 9, 10c, 11, and 12.)						

14 **First five years.** If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and **stop here** ▶ ☐

Section C. Computation of Public Support Percentage

15	Public support percentage for 2008 (line 8, column (f) divided by line 13, column (f))	15	%
16	Public support percentage from 2007 Schedule A, Part IV-A, line 27g	16	%

Section D. Computation of Investment Income Percentage

17	Investment income percentage for **2008** (line 10c, column (f) divided by line 13, column (f))	17	%
18	Investment income percentage from **2007** Schedule A, Part IV-A, line 27h	18	%

19a **33⅓ % support tests—2008.** If the organization did not check the box on line 14, and line 15 is more than 33⅓ %, and line 17 is not more than 33⅓ %, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

b **33⅓ % support tests—2007.** If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33⅓ %, and line 18 is not more than 33⅓ %, check this box and **stop here.** The organization qualifies as a publicly supported organization ▶ ☐

20 **Private foundation.** If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions ▶ ☐

Part IV **Supplemental Information.** Complete this part to provide the explanation required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Provide any other additional information. (see instructions)

Supplemental Information for Amended 2008 Form 990-EZ
Organization: Texas Fair Defense Project
EIN: 38-3740913

Part I

Line 10: The Texas Fair Defense Project (TFDP) paid $906 to vendors for expenses related to indigent client travel to court proceedings. TFDP did not make any payments directly to clients. Travel was purchased at published rates. None of the payments included in Line 10 was made on behalf of a client or to any vendor who has any relationship to any person or corporation who has any interest in the organization.

Line 16: Expenses listed on Line 16 as "Other Expenses" include the following:

Office expenses (not otherwise reported)	$ 5,618
Information technology	$ 469
Travel	$21,213
Conferences, conventions & meetings	$ 395
Insurance	$ 900
Litigation expenses (not otherwise reported)	$ 716
Organizational membership dues	$ 554
Lobbyist registration fees	$ 102
Depreciation	$ 2,160
TOTAL	**$32,127**

Note: A TFDP employee registered with the Texas Ethics Commission as a lobbyist in 2008 in anticipation of engaging in compensated lobbying activities on TFDP's behalf. TFDP paid the related lobbyist registration fee, the expense for which is listed above. However, TFDP did not in fact engage in lobbying activities in 2008.

Line 20: TFDP operated pursuant to a fiscal sponsorship agreement with Texas Defender Service (TDS) from 2005 to 2007. TDS is a 501(c)(3) organization, and has been assigned employer identification number 76-0481649. Under the fiscal sponsorship agreement, TDS held all assets earmarked for TFDP activities in a restricted fund. After receiving its own 501(c)(3) determination from the Internal Revenue Service, TFDP terminated the fiscal sponsorship agreement effective 11:59 p.m. on December 31, 2007. Pursuant to the terms of the fiscal sponsorship agreement, all assets in the TFDP restricted fund held by TDS were transferred from TDS to TFDP in January 2008. The following assets were transferred to TFDP:

Cash, savings and investments	$173,960
Grants receivable	$ 50,000
Fixed assets	
Furniture & fixtures	$ 3,930
Computers & equipment	$ 6,835
Accumulated depreciation furniture, fixtures, computers	($ 4,053)
TOTAL	**$230,672**

Part II

Line 24: Assets listed on Line 24 as "Other Assets" include the following:

Furniture & Fixtures	$4,390
Computers & Equipment	$7,793
Accumulated depreciation, furniture, fixtures, computers	($6,213)
TOTAL	**$5,970**

Part III

Primary Exempt Purpose: TFDP's primary exempt purpose is to improve the fairness and accuracy of the criminal justice system in Texas by increasing access to counsel and the quality of representation provided to poor people accused of crime.

Line 28: TFDP pursues civil and criminal litigation involving counties throughout Texas in cases where it believes the county's indigent defense practices violate the U.S. Constitution and/or state law. The objective of this program is to improve the criminal justice system and protect the rights of indigent criminal defendants by increasing the level of governmental compliance with legal requirements concerning the right to counsel.

The following cases were in litigation in 2008:

Rothgery v. Gillespie County: *Rothgery* is a federal civil rights action that challenged a county policy of significantly delaying appointment of counsel to indigent criminal defendants released on bond. In June 2008, the U.S. Supreme Court ruled in favor of TFDP's client and held that the right to counsel attaches at a defendant's first appearance before a magistrate shortly after arrest. Because the challenged policy is common throughout Texas, this successful outcome will result in improved access to counsel for thousands of indigent defendants. TFDP is seeking fees in this case, with the amount to be determined at the time of resolution.

State v Williams: TFDP represented an indigent criminal defendant in an appeal to Texas's highest criminal court. That court ruled in Williams' favor in 2008. The opinion clarified for the lower courts that defendants who are denied counsel are entitled to an automatic reversal of their conviction and do not need to demonstrate prejudice. TFDP did not seek fees in this case.

Heckman v. Williamson County: In a state civil rights action, TFDP represents a proposed class of indigent criminal defendants challenging misdemeanor court policies and procedures used to deny defendants access to counsel. The challenged practices affect thousands of defendants charged with low-level offense each year. TFDP is seeking equitable relief that will end the challenged practices. TFDP is seeking fees in this case, with the amount to be determined at the time of resolution.

Jimenez v. Quarterman: TFDP filed an amicus brief before the U.S. Supreme Court on behalf of criminal defendant Jimenez in a federal habeas action. TFDP's amicus brief described Texas's history of systemic indigent defense failures and the state courts' frequent practice of remedying those failures with grants of out-of-time appeals, and asked the U.S. Supreme Court to determine that Jimenez's federal habeas action is timely in light of his out-of-time appeal. A successful outcome will prevent the state courts' remedy for counsel error from being negated for purposes of federal review. TFDP is not seeking fees in this case.

Dunn v. Kennedy: TFDP filed an amicus brief before the U.S. Court of Appeals for the Fifth Circuit on behalf of a criminal defense attorney removed from the list of attorneys approved to receive court appointments in Travis County. TFDP's brief was limited to support of the position that Texas judges are liable for administrative policies governing the operation of the local indigent defense system. The Fifth Circuit ruled in favor of the judge on narrow grounds that preserve the ability of indigent criminal defendants to challenge administrative procedures in future proceedings if necessary. TFDP did not seek fees in this case.

Davis v. Tarrant County: TFDP filed an amicus brief before the U.S. Court of Appeals for the Fifth Circuit on behalf of a criminal defense attorney removed from the list of attorneys approved to receive court appointments in Tarrant County. TFDP's brief was limited to support of the position that Texas counties and judges are liable for administrative policies governing the operation of the local indigent defense system. A favorable decision will preserve the ability of indigent criminal defendants to challenge administrative procedures in future proceedings if necessary. TFDP is not seeking fees in this case.

<u>Line 29</u>: TFDP monitors Texas's indigent defense system and uses the research generated by these activities to develop timely information for dissemination to the public and to build support for reform. TFDP also researches national indigent defense standards. TFDP conducted in-depth research on indigent defense practices in more than ten Texas counties during 2008. The

objective of this program is to raise public awareness of indigent defense practices and to promote solutions to systemic problems through increased access to reliable data.

Line 30: TFDP provides technical assistance to local judicial officials, and participates in stakeholder working groups convened by judicial branch agencies and bar associations in order to identify best practices for the delivery of indigent defense services. In 2008, many of TFDP's technical assistance efforts focused on West Texas and Harris County through TFDP's Executive Director's participation on the Oversight Board for West Texas Public Defender for Capital Cases and the Harris County Public Defender Study Group, respectively. The objective of this program is to improve the delivery of indigent defense services.

Line 31: TFDP's other program services include the following:

Direct case assistance	$14,000
Coalition–building and grassroots organizing	$14,000
Legislative Advocacy	$ 0
TOTAL	**$28,000**

Note: Although TFDP has a legislative advocacy program, it did not engage in lobbying activities in 2008.

List and Description of Amendments included in Amended Return

Line L: The amount reported on Line L was amended to reflect amendments made to Part I, Lines 1 and 9. Those amendments are described below.

Part I, Lines 1, 9, 18: The amount reported on Line 1 was amended to accurately reflect the amount of contributions accrued in 2008, in accordance with ASC 958. The amendment to Line 1 resulted in amendments to Lines 9 (total revenue) and 18 (deficit for the year).

Part I, Lines 12 through 16: The amounts reported on each of these lines were amended to more accurately reflect the expense categorizations used by TFDP and specified in the instructions for this return. The amendments will facilitate more accurate year-to-year comparisons of TFDP's expenses. The amendments to these lines did not result in an amendment to Line 17 (total expenses).

Supplemental Information for Amended 2008 Form 990-EZ
Organization: Texas Fair Defense Project
EIN: 38-3740913

Part I, Line 20: The amount reported on Line 20 was amended to accurately reflect the assets that were transferred to TFDP by TDS.

Part III, Lines 28 through 31: The grant amounts reported for Lines 28 through 31 were amended to include only grant funds whose use was restricted to the specified programs by TFDP's contributors. The initial filing included unrestricted general support grant funds on these lines.

Part V, Line 42a: This line was amended to reflect the fact that TFDP's books for 2008 are now in its possession at its business address. At the time of initial filing, they were in the possession of an external bookkeeper.

Schedule A, Part II, Lines 1, 4, 5, 6, 7, 11: Line 1, column (e) and Line 5, column (f) were amended in a manner consistent with the amendment made to Form 990-EZ, Part I, Line 1 and described above. Theses amendment resulted in amendments to Line 1, column (f), as well as to columns (e) and (f) of Lines 4, 6, 7, and 11.

Schedule B, Part I: Part I was amended in a manner consistent with the amendment made to Form 990-EZ, Part I, Line I and described above.