

**FAIR DEFENSE ACT
APPOINTMENT PROCEDURES
179TH DISTRICT COURT**

In furtherance of the Fair Defense Act's primary goal of providing qualified counsel to indigent defendants, and in accordance with the procedures of the alternative plan adopted by the judges trying criminal cases in Harris County, the 179th District Court will use a **combination method** of appointing attorneys that combines *individual case*, *limited term*, and *term* appointment methods.

INDIVIDUAL CASE APPOINTMENTS (See *Standards and Procedures 7.1, 8.0, 9.1*). The Court will use the *individual case* method to appoint attorneys to represent indigent defendants deemed necessary by the Court.

LIMITED TERM APPOINTMENTS (See *Standards and Procedures 7.3, 8.0, 9.3*).

Weekly Appointments. The Court will appoint one (1) *limited term* attorney each week to handle felony cases. Appointments will be made consistent with the attorney's qualifications and the needs of the Court.

Daily Appointments. The Court will also appoint *limited term* attorneys for one-day assignments as needed by the Court.

The Court shall appoint no more than 5 new defendants a day to weekly and daily *limited term* attorneys.

TERM APPOINTMENTS (See *Standards and Procedures 7.2, 8.0, 9.2*). The Court will appoint one (1) attorney for a one-year term. *Term* attorneys will be appointed to handle all levels of indigent cases before the Court except for capital cases and appeals.

The Court will appoint one (1) attorney for a six-month term. The six-month *term* attorney will be appointed to handle motions to adjudicate cases and motions to revoke cases as needed by the Court.

The Court will not appoint *term* attorneys to represent more than 5 new defendants a day. *Term* attorneys will carry a caseload of approximately 35 indigent defendants' cases at any given time. *Term* attorneys will be paid in accordance with the fee schedule adopted by the Harris County judges and approved by Commissioners Court.

No *term* attorney will be allowed to contribute to the judge's re-election campaign.

The establishment of one-year and six-month terms and the specified conditions of appointment are intended by the Court to ensure the independence of any attorney selected for

term appointment. If a *term* attorney is terminated during the term, the Court will state its reasons for such action.

QUALIFICATIONS:

Individual Case Appointments Criteria. Attorneys selected for *individual case* appointments must meet the qualifications established by the board of judges and appropriate to the offense with which defendant is charged. See *Standards and Procedures* 7.1, 9.1.

Limited Term Appointments Criteria. Attorneys selected for *limited term* appointments must meet the qualifications established by the judges and appropriate to the offense with which defendant is charged. See *Standards and Procedures* 7.3, 9.3.

Term Appointment Criteria. An attorney selected for a one-year *term* appointment must be on the first-degree attorney appointment list established by the judges and must also:

1. be available to represent indigent defendants for the calendar year 2009;
2. retain pending assigned cases at the end of the term;
3. have practiced criminal law for a minimum of 7 years;
4. have served as lead counsel on at least 15 felony jury trials;
5. have handled at least 20 contested motion hearings in district court;
6. be fluent in Spanish or contract with a fluent interpreter to assist in communicating with Spanish-speaking clients and witnesses out of court (e.g., during jail visits, witness interviews, and routine investigation);
7. have no past public disciplinary action and no pending disciplinary action by the state bar;
8. have the means of producing typewritten motions, briefs and orders;
9. have resources for legal research;
10. participate in professional legal organizations; and
11. have extensive experience in criminal defense, including evaluating, preparing, and presenting mitigation evidence.

See *Standards and Procedures* 7.2, 9.2.

Attorneys selected for a sixth-month *term* appointments must be on the third-degree attorney appointment list established by the judges and must also:

1. be available to represent indigent defendants for the calendar year 2009;
2. retain pending assigned cases at the end of the term;
3. have practiced criminal law for a minimum of 6 years;

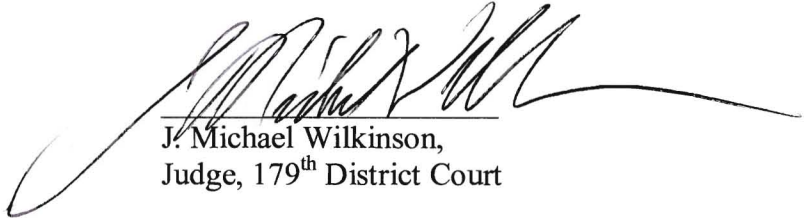
4. have served as lead counsel on at least 10 felony jury trials;
5. have handled at least 15 contested motion hearings in district court;
6. be fluent in Spanish or contract with a fluent interpreter to assist in communicating with Spanish-speaking clients and witnesses out of court (e.g., during jail visits, witness interviews, and routine investigation);
7. have no past public disciplinary action and no pending disciplinary action by the state bar;
8. have the means of producing typewritten motions, briefs and orders;
9. have resources for legal research;
10. participate in professional legal organizations; and
11. have extensive experience in criminal defense, including evaluating, preparing, and presenting mitigation evidence.

See *Standards and Procedures* 7.2, 9.2.

Application for Term Appointments. To be considered for *term* appointments in the 179th Court for the year 2009, an applicant shall submit a written application to the Central Appointment Coordinator in the District Court Administrative Office no later than 3 p.m., Thursday, December 4, 2008. Applicants should address each of the criteria in the order stated above in their applications. See *Standards and Procedures* 7.2, 8.0, 9.2.

Date signed: _____

10-28-08



J. Michael Wilkinson,
Judge, 179th District Court