

**Fair Defense Act
Appointment Procedures
228th District Court**

In furtherance of the Fair Defense Act's primary goal of providing qualified counsel to indigent defendants, and in accordance with the alternative plan adopted by the judges trying criminal cases in Harris County, the 228th District Court adopts a method of appointing attorneys that is a combination method of **individual case, limited term and term appointments**.

INDIVIDUAL CASE APPOINTMENTS. (See *Standards and Procedures 7.1, 8.0 & 9.1*).

Attorneys will be appointed as needed to represent indigent defendants by **individual case appointment** method established by the procedures adopted by the judges trying criminal cases in Harris County. Attorneys will be paid in accordance with the established fee schedule.

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

Attorneys will be appointed for a **limited term** consisting of one day or one week to represent indigent defendants. Attorneys will be selected in the method established by the procedures adopted by the judges trying criminal cases in Harris County. Attorneys will be paid in accordance with the established fee schedule.

TERM APPOINTMENTS. (See *Standards and Procedures 7.2, 8.0, & 9.2*). The Court will employ up to two qualified attorneys for a **one-year term** appointment. The **term** attorney will specifically be appointed to represent indigent defendants in state jail felonies, motions to adjudicate and motions to revoke probation. The attorney will be appointed cases as needed, but will not be appointed to more than 5 cases per day. An attorney appointed to a **term** assignment will be paid in accordance with the established fee schedule.

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

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

Establishment of a one-year term and the conditions of appointment specified by the Court ensures the independence of attorneys selected for **term** appointments.

QUALIFICATIONS:

Individual Case Appointments: Attorneys selected for **individual case assignments** must meet the qualifications established by the Board of Judges and appropriate to the offense with which the defendant is charged.

Limited Term Appointments: Attorneys selected for **limited term** appointments must meet the qualifications established by the Board of Judges to represent individuals charged with second-degree felonies.

Term Appointments: The attorneys selected for **term** appointments must meet the qualifications established by the Board of Judges to represent individuals charged with second degree felonies. Furthermore the attorney must:

1. have practiced law primarily in the area of criminal law;
2. have practiced criminal law a minimum of 10 years;
3. have handled 20 contested motions to suppress or other contested motions hearings;
4. tried at least 5 felony trials;
5. be fluent Spanish and English speaker;
6. have no pending disciplinary action by the Texas State Bar; and
7. retain all pending cases at the end of the term;.

Applicants for Term Appointments: Attorneys should submit copies of their resumes and requests for appointment to the 228th District Court Coordinator no later than 3:00 p.m. on Thursday, December 4, 2008.

Date: _____



Marc C. Carter
Judge, 228th District Court